# FEDERAL REGISTER

VOLUME 10 NUMBER 239

*Washington, Friday, December 7, 1945*


## *Regulations*

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter I—Farm Credit Administration

#### PART 5—SURPLUS PROPERTY DISPOSAL

##### PUBLICATION OF NOTICES

Section 5.307–02 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

§ 5.307–02 *Publication of notice.* Upon receipt of a declaration of surplus real property the disposal agency shall promptly and widely publicize the same, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising, and may also include press releases, display advertisements, and any other appropriate means which it is customary to use for advertising notices of sale. Such public advertising shall consist of a sale notice containing substantially the matters set forth in Exhibit A of Regulation No. 5 of the SPA and shall be published at least three (3) times during the ninety (90) days following the date such notice is first published at approximate intervals of twenty-one (21) days. The priority chart (Exhibit C of SPA Regulation No. 5) may be used as a guide in preparing the notice for publication. Ordinarily it will not be necessary to include all the information in the chart in any one notice. For example, if the declaration indicates that all tracts within the project area were acquired by the Government after December 31, 1939, it will not be necessary in preparing the notice to call attention to the priorities applicable to property acquired before that date. Also, if the project area does not include property other than section 23 real property, it will be unnecessary to include priorities applicable to such property.

The foregoing regulations have been approved by the Secretary of Agriculture. (SPA Reg. 5, as amended; Surplus Property Act of 1944, 58 Stat. 765; 50 U.S.C. App., Sup., 1611)

I. W. DUGGAN,
*Governor.*

NOVEMBER 19, 1945.

[F. R. Doc. 45–21690; Filed, Dec. 6, 1945; 11:11 a. m.]

### TITLE 7—AGRICULTURE

#### Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Bulletin NSCP–1001]

#### PART 706—NAVAL STORES CONSERVATION PROGRAM

##### SUBPART G—1946

Payments will be made for participation in the 1946 Naval Stores Conservation Program (thereinafter referred to as "this program") in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Payments are predicated upon the economic use and conservation of soil and timber resources, and computed on faces in the turpentine farm.

Sec.



AUTHORITY: §§ 706.701 to 706.711, inclusive, issued under 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U.S.C. 1940 ed. 590g–590q; 54 Stat. 216; 55 Stat. 257, 860; 56 Stat. 761.

§ 706.701 *Authority and availability of funds*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

(b) *Availability of funds.* The provisions of this program are necessarily subject to such legislation effecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in this program.

(Continued on p. 14809)

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FEDERAL REGISTER

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

CODIFICATION GUIDE—Continued



The funds provided for this program will not be available for the payment of applications filed after June 30, 1947.

§ 706.702 *Definitions*—(a) *Turpentine farm.* The land and turpentine timber owned or leased, or operated on a sharecrop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores.

(b) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus caribaea).

(c) *Gum naval stores.* Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(d) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from timber controlled for turpentine purposes through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(e) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(f) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(g) *Tins.* The gutters or aprons, made of sheet metal or other material, used to aid in conducting the gum from a face into a cup.

(h) *Crop.* 10,000 faces.

(i) *Tract.* A portion of a turpentine farm having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(j) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face or similar scar which does not extend above 36 inches in vertical measurement from the ground.

(n) *Worked-out face.* A face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Turpentine season.* The entire calendar year 1946, or, if a turpentine farm is operated less than the full calendar year, that period during which a producer is operating his farm for the production of gum naval stores.

(p) *Work sheet.* The prescribed form (NSCP-1002) for notifying the Forest Service of intention to cooperate in this program.

(q) *Crop analysis.* The prescribed form (NSCP-1004) outlining the plan of operation and showing the location and number of faces being worked on each turpentine farm.

(r) *Application.* The prescribed form (NSCP-1003) of application for payment for cooperating in this program.

§ 706.703 *Eligibility; general provisions*—(a) *Loan and purchase programs.* Only producers who are participating in this program will be eligible to participate in any loan or purchase programs which may be set up for producers during 1946, except as provided in paragraph (b) of this section.

(b) *Applicability.* The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Division of Grazing or the Fish and Wildlife Service of the Department of the Interior): *Provided, however,* That producers having such operations shall have the privilege of participating in any loan or purchase program for naval stores producers which may be in operation during 1946.

This program is applicable to turpentine farms on lands owned by a State or a political subdivision or agency thereof or owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such Government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owner's Loan Corporation, or the Federal Farm Mortgage Corporation, Federal Land Banks or Production Credit Associations, shall be considered eligible unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

(c) *Practices defeating purposes of programs.* (1) If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or otherwise would be made to such producer.

(2) If the Forest Service finds that the optional selective cupping, restricted cupping or good elevating practices carried out under previous programs are not maintained in accordance with good conservation practice or the effectiveness of any such practice is destroyed by the producer during this program, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1946 optional practice payment rate.

§ 706.704 *Conditions of payment; performance required.* In order to qualify for payment the producer shall, on every turpentine farm operated by him during the 1946 turpentine season, meet or exceed the following minimum requirements:

(a) *Face installation requirements.* In order to prevent damage to growing trees, the cupping method of face installation shall be used, and

(1) No face shall be installed or worked on any tree less than 9 inches d. b. h. and not more than one face shall be installed or worked on any tree less than 14 inches d. b. h. These requirements shall not apply to any tree having a worked-out face (60 inches or more in height, or a dry face) which remains idle during the 1946 turpentine season. However, if faces are unintentionally installed on undersized trees, or were so installed during the 1945 season, the producer shall detach all cups and tins from the faces on such undersized trees within time limits established by the Forest Service, and there shall be deducted from his earned payment ½ cent per face for each face on proper sized trees in each drift (or in each tract which is not subdivided into drifts) in which faces on undersized trees were so installed.

(2) The shoulder of the initial streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground: *Provided,* That when this requirement is not met the faces in the tract or drift may be worked without payment.

(3) No tree shall have any new (first-year) back face unless a live bark-bar on each side of the face is provided and maintained.

(4) Deviations from the face installation requirements may be authorized in writing in cases where a producer desires to experiment with various gum extracting methods. Such deviations will be limited to a total of not more than 1000 trees for any producer.

(b) *Drift marking requirements.* Any tract containing over 3000 faces installed during or after the 1945 turpentine season or other faces which are redrifted during the 1946 turpentine season shall be divided into drifts containing not less than 500 nor more than 3000 faces. Roads, fences, railroads, cleared rights-of-way, streams, and other easily followed landmarks may be used as drift lines. In the absence of such landmarks, all such drift lines shall be clearly marked by paint so that they can be followed in the field without a guide. On each side of all drift lines in such tracts at points of entrance, road crossings, corners, etc., and at intervals of not more than 450 yards along the drift line, the number or other identifying mark of the drift shall be clearly indicated, either by painted figures on a tree or on a board or other object attached to a tree. No payment will be made for faces installed during or after the 1945 turpentine season which are not subdivided into drifts and marked as required or for faces in redrifted tracts which are not marked as required. The drift lines in other tracts shall, in the absence of such above-mentioned landmarks, be marked either by paint or non-injurious blazes so that they can be followed in the field without a guide.

(c) *Fire protection requirements.* To promote natural reforestation on land which is not fully stocked and to prevent damage to established forest stands on (1) turpentine farms (owned or leased) and (2) all other commercially valuable or potentially valuable forest land owned by the producer, all fire control operations during the calendar year 1946 shall be conducted in a manner that will meet the applicable requirements, as follows:

(1) On fee-owned land the producer shall participate in any existing cooperative fire control system contiguous to such land, pay any assessment that may be levied against him for the purpose of forest fire protection and otherwise assist in the fire control work of the protection system. Where no such system exists, the producer shall exercise ordinary diligence in protecting such land from damage by fire.

(2) Areas being worked for naval stores may be burned but such burning shall be conducted in a manner that will prevent the destruction of established young growth and the escape of fire to adjacent land. On fee-owned land when the burning reduces the stand to less than 200 thrifty pine trees per acre or destroys any established pine reproduction in stands having less than 200 pine trees per acre before burning, a deduction of $1.00 per acre for each such acre in excess of 5 acres will be made. On lands supporting trees leased and operated for naval stores when any burning in any tract or drift reduces the stand to less than 200 thrifty pine trees per acre or destroys any established pine reproduction in stands having less than 200 pine trees per acre before burning a deduction of 40% of the payment earned for the faces in the tract or drift will be made. When fire set by the producer is allowed to escape to adjacent forest land and effective suppression action is not taken a deduction of 50¢ per acre will be made for each acre burned on adjacent land.

(3) On fee-owned land not being worked for naval stores, controlled (prescribed) burning may be practiced only on adequately stocked land (200 or more established pine trees per acre). When such burning reduces the stand to less than 200 thrifty pine trees per acre a deduction of $1.00 per acre for each such acre in excess of 5 acres will be made. When inadequately stocked fee-owned land not being worked for naval stores is burned and there is no evidence that effective suppression action was taken a deduction of 10¢ per acre for each acre so burned will be made. When fire is allowed to escape to adjacent land and effective suppression action is not taken a deduction of 50¢ per acre will be made for each acre burned on adjacent land.

(4) When requested the producer shall report all areas burned during the calendar year on his turpentine farm and on other timber land owned by him.

(5) Deviations from the above fire protection requirements may be authorized in writing in cases where the producer is following a plan of management which is designed to provide equivalent production of future stands or equivalent reforestation of desirable species.

(d) *Timber cutting requirements.* To promote continued production and to provide for restocking of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, all cutting operations in timber stands owned by the producer and all cutting operations conducted in timber stands on leased areas of the producer's turpentine farm shall, during the calendar year 1946, meet the applicable requirements, as follows:

(1) In stands containing sufficient turpentine trees to justify their use in the production of gum, either at present or within the next 10 years, worked-out and defective turpentine trees and trees of other species may be cut. Round or scarred turpentine trees may be cut only for higher economic use or for thinnings. When round or scarred trees are to be utilized for high quality timbers, poles, piling or a similar higher economic purpose than the production of gum, at least 6 thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged. When the removal of worked-out and defective turpentine trees and trees of other species will not provide sufficient release for the remaining trees and additional thinnings are necessary, round or scarred turpentine trees may be cut, provided at least 150 turpentine trees per acre of approximately the same size as the trees which are cut are left uncut and undamaged and are well distributed over the cutting area.

(2) In stands on turpentine tree sites which contain insufficient turpentine trees to justify their use in the production of gum, either at present or within the next 10 years, worked-out, scarred, and defective turpentine trees and trees of other species may be cut. On areas containing less than 200 turpentine trees per acre which are 8 feet or more in height, at least 6 thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged. Areas containing more than 200 round turpentine trees per acre, 8 feet or more in height, may be thinned down to not less than 200 such trees per acre, provided trees of approximately the same size as the trees which are cut are left uncut, undamaged and well distributed on the cut-over area.

(3) In stands where other than turpentine trees predominate, or in stands of turpentine trees in areas where there is no active market for gum products, a selective cutting system by individual trees or groups of trees should be used. In immature stands at least 50 percent of the trees over 8 inches d. b. h. shall be left uncut and undamaged, and if group selection is used individual clear-cut areas shall not exceed 2½ acres in extent. Harvest cuttings with ample provision for restocking the cut-over area will be permitted on larger areas in mature stands: *Provided,* That at least 6 thrifty seed trees per acre, 10 inches or more d. b. h. for pine species, and 12 inches or more d. b. h. for other species, are left uncut and undamaged on the cut-over area.

(4) Deviations from the above timber cutting requirements may be authorized in writing in cases where the producer is following a plan of management which is designed to provide equivalent production of future stands of timber and equivalent restocking of cut-over areas.

(5) In clear-cutting forest lands to convert them from forest growing to other agricultural use, there must be satisfactory evidence on the ground not later than 6 months after such cutting to show that the land is being developed for the proposed use. Decision as to qualification will be made not later than June 30, 1947.

(6) When cutting operations on lands owned by the producer on any part or all of the cutting area do not meet the above timber cutting requirements or are contrary to good forestry practice, there shall be deducted from the payment earned by the producer $5.00 for each acre in excess of 5 acres on which these requirements are not met during the calendar year 1946, but the failure to meet such requirements shall not disqualify the producer from receiving the balance of the earned payment remaining after such deduction.

(7) When the timber cutting requirements of this section are not met in the tracts or drifts of faces on lands leased and operated for naval stores purposes, 40% of the earned payment for such tracts or drifts will be deducted.

(8) When any trees having faces worked under this program are to be cut, the producer shall notify the Forest Service at least 15 days before cutting begins. Payment may be made on

faces on trees which are cut after October 15, 1946: *Provided,* That before such trees are cut the producer has received written permission for such cutting.

(9) The producer shall notify the Forest Service prior to the close of this program of all cutting operations conducted during the calendar year on his turpentine farm and in other stands owned by him. Any producer desiring advice from Forest Service representatives on his cutting problems should request the assistance of the local Inspector at least 15 days in advance of any cutting operations.

(e) *Face working requirements.* All faces worked must be on trees which meet the diameter requirements of paragraph (a) of this section.

(1) Streaks shall be made at no greater frequency than one per week; *Provided,* That during the months of May to September, inclusive, two streaks per week may be made.

(2) Faces must average, by tracts or drifts, at least 16 streaks by November 15, 1946; *Provided,* That where chemical stimulation is used a minimum of 10 streaks applied at intervals of at least two weeks will be acceptable.

(3) Total streaks per face, averaged by tracts or drifts, shall not exceed 18 inches in vertical measurement between shoulders of the first streak and shoulders of the last streak of the 1946 turpentine season; *Provided,* That in special cases heights up to 24 inches may be approved in writing.

(4) Faces in any tract or drift which average, at the beginning of the 1946 turpentine season, 90 inches or more in vertical measurement at the highest side between the shoulders of the first streak and shoulders of the last streak will not qualify for payment.

(f) *General requirements.* Each producer shall assist representatives of the Forest Service in the administration of this program by (1) giving them free access to his turpentine farm or farms, (2) counting all faces and keeping written records thereof separately by tracts and drifts, (3) furnishing count records and satisfactory evidence of control of faces to the local Inspector prior to the time the crop analysis form is executed, (4) declaring his interest in other turpentine farms and timber lands, (5) furnishing competent labor to assist the local Inspector in counting faces, (6) submitting a work sheet (Form No. NSCP–1002) and executing a crop analysis (Form No. NSCP–1004) and other prescribed forms, (7) keeping records of the number of streaks currently made on all faces in each tract or drift and furnishing such records upon request, (8) notifying the Forest Service promptly of any change in ownership or control after the crop analysis form is executed, and (9) otherwise facilitating the work of the Inspector in checking compliance with the terms and conditions of this program.

§ 706.705 *Further conditions of payment; performance optional.* Producers complying with the requirements of § 706.704 may elect to carry out during the 1946 turpentine season one or more of the following practices on any entire tract or drift of their turpentine farms and earn additional payments as set forth in § 706.706, if notice of such performance is indicated on the crop analysis form.

(a) *Chemical stimulation tests.* Turpentine farms located in areas where frequent observation by members of the Southern Forest Experiment Station is economical may be selected for the experimental application of chemical stimulants to a portion of the faces (not in excess of one crop) currently being worked. The experiments are to be carried out in accordance with conditions prescribed by the Forest Service, and such conditions may permit deviations from the requirements of § 706.704 (a). In such cases payment will be made on not more than one face on trees under 14 inches d. b. h. and on not more than 2 faces on trees 14 inches or more d. b. h.

(b) *Selective cupping practice.* In areas containing sufficient trees to permit the selection of trees to be cupped, at least as many round trees as are cupped shall be left uncupped. The uncupped trees shall be round and 9 inches or more d. b. h., and not less than 25 such trees per acre shall be left, well distributed over the area, for future gum or wood production. Within such areas deviations from the requirements of § 706.704 (a) may be authorized in writing.

(c) *Restricted cupping practice.* In areas containing 25 or more round turpentine trees 9 inches or more d. b. h. per acre, well distributed over the area, which are intermingled with trees having one or more worked-out faces, cupping shall be restricted to back faces on previously worked trees and pick-up faces on scarred trees. No one tract or drift will be considered as qualifying under both practices (b) and (c) of this section.

(d) *Repayment for selective or restricted cupping practices.* Faces installed and worked prior to this program in accordance with the requirements of paragraph (b) or (c) of this section will qualify for additional payment, provided the face height at the beginning of the 1946 season is 30 inches or less. If there is a Naval Stores Conservation Program for 1947, such faces which are 30 inches or less in height at the beginning of the 1947 season may continue to earn additional payments.

(e) *Conservative installation practice.* Cups and tins for virgin faces shall be installed in a manner that will prevent the leakage of gum. If incisions are made they shall not penetrate into the wood more than one-half inch at the deepest point. Exposure of wood below the tins shall be limited to the seating of cups at the base of trees having burls, ridges or other deformities. If tins are fastened to the tree, cut tacks, hook nails, scaffold nails or similar easily removed devices shall be used unless all nails are 12 inches or less from the ground.

(f) *Good elevating practice.* Cups and tins shall be installed on the face in a manner that will prevent the leakage of gum. Incisions, if used, shall be shallow and tins shall be attached by cut tacks, hook nails, scaffold nails or similar easily removed devices. The distance from the peak of the face to the tins at the beginning of the season shall not exceed 12 inches. All nails and tins below the cup and over 12 inches from the ground shall be removed.

§ 706.706 *General provisions relating to payments*—(a) *Rates of payment.* In connection with the utilization of land devoted to growing turpentine trees used in the production of gum, payment will be made to each producer operating his turpentine farm in accordance with the following rates:

(1) 1 cent per face for each face worked in accordance with the provisions of § 706.704.

(2) 4 cents additional per face for each face in areas selected for chemical stimulation as prescribed in § 706.705 (a).

(3) 2 cents additional per face for each face installed under the selective cupping practice as prescribed in § 706.705 (b).

(4) 1 cent additional per face for each face installed under the restricted cupping practice as prescribed in § 706.705 (c).

(5) 1 cent additional per face for each face installed and worked as prescribed in § 706.705 (d).

(6) ¼ cent additional per face for each face installed under the conservative installation practice as prescribed in § 706.705 (e).

(7) ¼ cent additional per face for each face elevated under the good elevating practices as prescribed in § 706.705 (f).

(b) *Increase in small payments.* The total payment computed for any producer with respect to his turpentine farm shall be increased in accordance with the provisions of § 706.606 (c) of the 1945 Naval Stores Conservation Program Bulletin (10 F.R. 554).

(c) *Assignments.* Any producer who may be entitled to any payment in connection with this program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1946. No assignment will be recognized unless it is made in writing on Form ACP–69 in accordance with the applicable instructions (ACP–70), witnessed, however, by an Inspector or the Program Supervisor of the Forest Service and filed with the Central Field Office of the Forest Service, Valdosta, Georgia.

(d) *Administrative expenses.* No part of the payment for any turpentine farm shall be deducted for administrative expenses.

§ 706.707 *Payments limited to $10,000*—(a) *Individuals, partnerships, and estates.* The total of all payments made in connection with the 1946 conservation programs to any individual, partnership, or estate with respect to farms, ranching units, and turpentine farms located within a single State, territory, or possession, shall not exceed the sum of $10,000.

(b) *Others.* The total of all payments made in connection with the 1946 conservation programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine farms in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000.

(c) *Evasion.* All or any part of any payment which has been or otherwise would be made to any person under this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

§ 706.708 *Conservation materials and services*—(a) *Availability.* The title to any materials furnished under this section, either directly or through purchase order, shall vest in the Forest Service until such materials are appropriately applied or used or until all charges for such materials are satisfied.

(b) *Deductions for materials and services.* Wherever materials or services are furnished, a deduction therefor shall be made in an amount determined by the Forest Service. If the producer misuses any such material or services, an additional deduction for the materials or services misused equal to the amount of the original deduction for the materials or services shall be made. The deduction for materials or services shall be made from any payment to the producer who obtained the materials or services, but if the amount of the materials or services exceeds the amount of payment for the producer, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

§ 706.709 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of payment with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the American Turpentine Farmers Association Cooperative in writing to appoint a committee of fellow producers to review the case. If the committee does not concur with the decision of the Regional Forester the producer may request the Chief of the Forest Service to review the case and render his decision, which shall be final.

§ 706.710 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment may be made by any producer who is actively engaged in the production of gum naval stores during the 1946 turpentine season. If one producer conducts the operation of a turpentine farm during a portion of the 1946 turpentine season and another producer conducts the operation of the turpentine farm during the remainder of the season, the producer who last conducts the operation should make the application.

(b) *Time and manner of filing applications and information required.* Payments will be made only upon applications submitted on or before June 30, 1947, on the prescribed form (NSCP–1003), to the Central Field Office of the Forest Service, Valdosta, Georgia, Payment may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.711 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to make such determinations and to prepare and issue such bulletins, instructions, and forms as may be required to administer this program (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942) pursuant to the provisions hereof, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia. Information concerning this program may be secured from the Program Supervisor, Central Field Office of the Forest Service, Valdosta, Georgia, or from any local Inspector of the Forest Service.

NOTE: The record keeping and reporting requirements in this bulletin have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued at Washington, D. C., this 5th day of December 1945.

[SEAL] CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 45-21889; Filed, Dec. 6, 1945; 11:11 a. m.]

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## PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

### PROCLAMATION OF RESULTS OF FIRE-CURED TOBACCO MARKETING QUOTA REFERENDA FOR THREE MARKETING YEARS BEGINNING OCTOBER 1, 1946

§ 726.602 *Proclamation of results of the fire-cured tobacco marketing quota referenda for the three marketing years beginning October 1, 1946.* In a referendum of farmers engaged in the production of the 1945 crop of fire-cured tobacco held on October 20, 1945, 13,557 farmers voted. Of those voting, 12,313 or 90.8 percent favored quotas for a period of three years beginning October 1, 1946; 378 or 2.8 percent favored quotas for one year beginning October 1, 1946; and, 866 or 6.4 percent were opposed to quotas. Therefore, the national marketing quota of 71,400,000 pounds' proclaimed by the Secretary on September 28, 1945, for fire-cured tobacco for the 1946–47 marketing year will be in effect for such year and marketing quotas on fire-cured tobacco will be in effect for the three marketing years beginning October 1, 1946.

(52 Stat. 46, 54 Stat. 392, 54 Stat. 1209; 7 U.S.C. 1940 ed. 1312 (b))

Done at Washington, D. C., this 5th day of December 1945. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 45-21888; Filed, Dec. 6, 1945; 11:10 a. m.]

## PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

### PROCLAMATION OF RESULTS OF DARK AIR-CURED TOBACCO MARKETING QUOTA REFERENDA FOR THREE MARKETING YEARS BEGINNING OCTOBER 1, 1946

§ 726.652 *Proclamation of results of the dark air-cured tobacco marketing quota referenda for the three marketing years beginning October 1, 1946.* In a referendum of farmers engaged in the production of the 1945 crop of dark air-cured tobacco held on October 20, 1945, 18,167 farmers voted. Of those voting, 17,464 or 96.1 percent favored quotas for a period of three years beginning October 1, 1946; 265 or 1.5 percent favored quotas for one year beginning October 1, 1946; and, 438 or 2.4 percent were opposed to quotas. Therefore, the national marketing quota of 29,400,000 pounds proclaimed by the Secretary on September 28, 1945, for dark air-cured tobacco for the 1946–47 marketing year will be in effect for such year and marketing quotas on dark air-cured tobacco will be in effect for the three marketing years beginning October 1, 1946. (52 Stat. 46, 54 Stat. 392, 54 Stat. 1209; 7 U.S.C. 1312 (b))

Done at Washington, D. C. this 5th day of December 1945. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[F. R. Doc. 45-21887; Filed, Dec. 6, 1945; 11:10 a. m.]

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# TITLE 10—ARMY: WAR DEPARTMENT

## Chapter VII—Personnel

## PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

### CAMPAIGN MEDALS FOR CURRENT WAR

In § 708.60 paragraph (c) (2) (ii) is amended and paragraph (c) (3) (iv) is added as follows:

§ 708.60 *Campaign medals for current war.* * * *

(c) *Eligibility.* * * *

(2) * * *

(ii) Or he serves in the theater, except in continental United States exclusive of Alaska, for a period in excess of 30 consecutive days, or a total of 60 days not necessarily consecutive.

* * * * *

(3) * * *

(iv) Honorable active duty service in the continental limits of the United States for an accumulative period of 1 year, including temporary and permanent duty. (R. S. 1296; 10 U.S.C. 1391 and E.O. 9265) [W. D. Cir. 62, 1944 as amended by Cir. 345, Nov. 15, 1945]

[SEAL] EDWARD F. WITSELL,
*Major General,*
*Acting The Adjutant General.*

[F. R. Doc. 45-21865; Filed, Dec. 5, 1945; 1:33 p. m.]

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

SLEEPING-CAR AND OTHER SIMILAR ACCOMMODATIONS

Sections 903.15 to 903.21, pertaining to sleeping-car and similar accommodations, are retained without change in TM 55-525, June 1945, in lieu of AR 55-125, January 9, 1943, which was rescinded by circular 240, August 1945.

Wherever reference to AR 55-125 is made in existing sections it will be construed to refer to TM 55-525. (R. S. 161; 5 U.S.C. 22) [TM 55-525, June 1945]

[SEAL] EDWARD F. WITSELL,
*Major General,*
*Acting The Adjutant General.*

[F. R. Doc. 45-21866; Filed, Dec. 5, 1945; 1:33 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

TEMPORARY EXEMPTION OF CERTAIN SECURITIES OF BANKS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 12 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said act, hereby amends § 240.12a-1 [Rule X-12A-1] to read as follows:

§ 240.12a-1 *Temporary exemption from section 12 (a) of certain securities of banks.* (a) The following securities of banks shall be exempt from the operation of section 12 (a) to and including the one hundred and twentieth day after the filing of applications on the form appropriate for such securities shall be authorized: (1) Securities as to which temporary registration expired on June 30, 1935; (2) securities of the same issuer heretofore or hereafter issued in exchange for, or resulting from a modification of, any securities exempted from the operation of section 12 (a) of the act by this rule; and (3) additional shares of common stock, heretofore or hereafter issued, if common stock of the same issuer and of the same class is exempted from the operation of section 12 (a) by this rule.

(b) Sections 240.7c2-1 and 240.10b-1 shall be applicable to all securities exempted from the operation of section 12(a) by this rule.

Effective December 5, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 45-21873; Filed, Dec. 5, 1945; 1:34 p. m.]

## TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 27, Amdt. 7]

PART 602—GENERAL ORDERS AND DIRECTIVES

DISTRIBUTION OF BITUMINOUS COAL PRODUCED IN U. S.

To make certain clarifications and revisions in those provisions of SFAW Regulation No. 27 added by Amendment No. 6, issued November 21, 1945 (10 F.R. 14418) the following amendment to the regulation is hereby issued:

1. Paragraph (d) of § 602.703 is amended to read as follows:

(d) (1) If you are a shipper of coal produced in Districts 1, 2, 3, 4, or 6 (other than a commercial lake dock operator or a commercial tidewater dock operator), you are prohibited from shipping to any retail dealer during the period April 1, 1945 to October 1, 1945, more than 50 percent (to the nearest carload or barge lot) of the total amount which he is entitled to receive under this second preference for the entire period April 1, 1945 to March 31, 1946.

If you are a shipper of coal produced in Districts 1, 2, 3, 4, 6, 9, 10, 11 or 13, you are required to ship during the period April 1, 1945 to October 1, 1945, to each retail dealer entitled to this preference not less than 30 per cent (to the nearest carload or barge lot) of the total amount of coal which you are required to ship to such dealer during the entire period April 1, 1945 to March 31, 1946. Subsequent to October 1, 1945, you are required to ship in equal monthly amounts, to the maximum extent practicable, the balance of the coal which each retail dealer is entitled to receive under this preference.

(2) If you are a shipper of coal produced in Districts 7 or 8 (other than a commercial lake dock operator or a commercial tidewater dock operator), you are prohibited from shipping to any retail dealer during the period April 1, 1945 to December 1, 1945, more than 70 per cent (to the nearest carload or barge lot) of the total amount which he is entitled to receive under this second preference for the entire period April 1, 1945 to March 31, 1946.

Further, you are required to ship (to the nearest carload or barge lot) to each retail dealer not less than the minimum percentages and not more than the maximum percentages for the periods indicated in the following table:

| Time of shipments | Minimum | Maximum |
|---|---|---|
| | *Percent* | *Percent* |
| April and May | 12½ | 20 |
| June and July | 12½ | 15 |
| August and September | 12½ | 15 |
| October and November | 12½ | 20 |

Subsequent to December 1, 1945, you are required to ship in equal monthly amounts, to the maximum extent practicable, the balance of the coal which each retail dealer is entitled to receive under this preference.

2. Paragraph (j) of § 602.703 is amended to read as follows:

(j) *Additional shipments to retail dealers.* (1) If you are a shipper of coal (other than a commercial lake dock operator) and you have filled or arranged to fill your monthly obligations to each retail dealer entitled to this second preference, you may distribute among retail dealers of your own selection any coal not required to meet your obligations imposed by this regulation: *Provided,* That if you are shipping coal produced in Districts 1-4, inclusive, 6-8, inclusive, or 13,

(i) You shall report at the beginning of each calendar month the amount of coal which it is contemplated will be available for such additional shipments to retail dealers during the month, and

(ii) You shall report at the end of each calendar month the amount of such shipments made to each retail dealer.

Such reports shall be forwarded to the appropriate Area Distribution Manager specified in paragraph (f) of this section. Unless such reports are promptly filed when required, you are prohibited from making any shipments authorized by this paragraph.

NOTE: Under paragraph (d) of this section, shippers are required to ship, subsequent to December 1, 1945, in equal monthly amounts, to the maximum extent practicable, the balance of the coal which each retail dealer is entitled to receive up to March 31, 1946 under this second preference. Thus, if a shipper contemplates that he will have available for shipment to retail dealers, during any calendar month (December 1945 or January, February and March 1946), coal in excess of 25 per cent of the unfilled balance of his preference obligations to retail dealers, this tonnage must be reported before it may be furnished to retail dealers under this paragraph.

(2) If you are a commercial lake dock operator and you have filled or arranged to fill your obligations to each retail dealer entitled to this second preference, you must obtain permission from Mr. Milton Almer, SFAW Area Distribution Manager, 125 South 5th Street, Minneapolis 2, Minnesota, before distributing among retail dealers of your own selection any coal not required to meet your obligations imposed by this regulation. Mr. Almer is authorized to grant such permission when the contemplated shipments are not inconsistent with the purposes of this regulation and the SFAW distribution program.

This amendment shall become effective December 1, 1945.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 30th day of November 1945.

DAN H. WHEELER,
*Deputy Solid Fuels Administrator for War.*

[F. R. Doc. 45-21838; Filed, Dec. 6, 1945; 10:25 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COUNTRIES GENERALLY LICENSED

DECEMBER 7, 1945.

General License No. 94 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 131.94 *Certain countries generally licensed.*—(a) *Blocked countries generally licensed subject to certain conditions.* A general license is hereby granted licensing all blocked countries and nationals thereof (excepting the following countries and nationals thereof: (i) Germany and Japan, (ii) Portugal, Spain, Sweden, Switzerland, Liechtenstein and Tangier) to be regarded as if such countries were not foreign countries designated in the order, *Provided,* That

(1) Any property in which on the effective date hereof any of the following had an interest: (i) any blocked country (including countries licensed hereby) or person therein; or (ii) any other partnership, association, corporation, or other organization, which was a national of a blocked country (including countries licensed hereby) by reason of the interest of any such country or person therein; or

(2) Any income from such property accruing on or after the effective date hereof

shall continue to be regarded as property in which a blocked country or national thereof has an interest and no payment, transfer, or withdrawal or other dealing with respect to such property shall be effected under, or be deemed to be authorized by, this paragraph.

(b) *Transactions under other licenses authorized without regard to certain restrictions.* With respect to property subject to the proviso of paragraph (a), any transaction not involving any excepted country or national thereof which is authorized under any license (other than §§ 131.1, 131.1a, 131.4, 131.27, 131.30a, 131.58 and 131.75 General Licenses Nos. 1, 1A, 4, 27, 30A, 58 and 75) or any other license to the extent that it merely authorizes transfers between blocked accounts of the same person or changes in the form of property held in a blocked account) may be effected without regard to any terms of such license relating to the method of effecting such transaction.

(c) *Certain other transactions authorized.* This license also authorizes any transaction which could be effected under § 131.53 (General License No. 53) if the countries licensed hereby were members of the generally licensed trade area, provided that this paragraph shall not be deemed to authorize any payment, transfer, or withdrawal, or other dealing, with respect to any property which is subject to the proviso of paragraph (a).

(d) *Application of license to nationals of countries licensed hereby who are also nationals of excepted countries.* Paragraphs (a) and (b) shall not apply with respect to any national of a country licensed hereby who is also a national of any excepted country, *Provided, however,* That for the purpose only of this license the following shall be deemed not to be nationals of an excepted country:

(1) Any individual residing in a country licensed hereby, except any citizen or subject of Germany or Japan who at any time on or since December 7, 1941 has been within the territory of either such country or within any other territory while it was designated as "enemy territory" under General Ruling No. 11;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country licensed hereby, unless it is a national of Germany or Japan.

(e) *Definition.* As used in this license, the term "excepted country" shall mean any country excepted in paragraph (a).

*Effective date.* The effective date of this general license shall be December 7, 1945, except that it shall be October 5, 1945 as to France and November 20, 1945 as to Belgium.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] FRED M. VINSON,
*Secretary of the Treasury.*

[F. R. Doc. 45-21891; Filed, Dec. 6, 1945; 11:13 a. m.]

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APPENDIX A—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PAYMENTS UNDER CERTAIN LICENSES

DECEMBER 7, 1945.

General Ruling No. 20 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) *Certain payments not authorized.* Sections 131.1 and 131.1a (General Licenses Nos. 1 and 1A) and any other license to the extent that it merely authorizes payments or transfers between blocked accounts of the same person do not authorize any payment or transfer of property from an account regarded as blocked under the proviso of paragraph (a) of § 131.94 (General License No. 94) except to an account which is also regarded as blocked under the proviso.

(2) *Responsibility for giving notice.* Persons effecting any payment or transfer of property held in a blocked account pursuant to § 131.1 or § 131.1a (General Licenses Nos. 1 or 1A) or any other license to the extent that it merely authorizes payments or transfers between blocked accounts of the same person are required to notify the recipient that the property transferred must be placed in a blocked account.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regs., April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] FRED M. VINSON,
*Secretary of the Treasury.*

[F. R. Doc. 45-21892; Filed, Dec. 6, 1945; 11:13 a. m.]

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## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[Amdt. 364]

PART 623—CLASSIFICATION PROCEDURE

MEN SEPARATED FROM LAND OR NAVAL FORCES OF THE UNITED STATES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by adding a new paragraph (c) to §623.53 to read as follows:

§ 623.53 *Man separated from land or naval forces of the United States.*

* * *

(c) Any registrant classified in Class I-C who has been separated from the land or naval forces of the United States on or after September 16, 1940, by honorable discharge or discharge under honorable conditions, or by an equivalent type of release from service if the registrant was an officer, a flight officer, or a warrant officer, and who presents to the clerk of his own local board the discharge or release itself or a notice or report of separation containing such information, shall, upon his request, be issued prior to review by the local board a Notice of Classification (Form 57), bearing the notation "Class I-C Disc."

The foregoing amendment to the Selective Service Regulations shall be effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the Continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
*Director.*

DECEMBER 4, 1945.

[F. R. Doc. 45-21877; Filed, Dec. 6, 1945; 4:55 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 132,[1] Amdt. 10]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Order No. 132 is amended in the following respects:

1. The first paragraph in section 2 is amended to read as follows:

SEC. 2. *Commodities suspended from price control.* Notwithstanding the provisions of any regulation heretofore or hereafter issued by the Office of Price Administration, price control is suspended as to all purchases, sales and deliveries by any person of the following listed commodities for the period specified (where a termination date is named, price controls will automatically be reinstated under the applicable price regulation or regulations on the day following the termination date; where no termination date is specified, suspension from price control is indefinite):

2. In section 2 (a) (1), the termination date named for "White Flesh Table Stock Potatoes (domestic and imported), except Certified and War Approved Seed Potatoes as defined in Revised Maximum Price Regulation No. 492" is amended to read March 6, 1946.

This amendment shall become effective December 5, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

Approved: December 4, 1945.

J. B. HUTSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 45-21876; Filed, Dec. 5, 1945; 4:35 p. m.]

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PART 1305—ADMINISTRATION

[Rev. SO 113,[2] Amdt. 1]

MANUFACTURERS' MAXIMUM AVERAGE PRICE FOR WOOL CIVILIAN APPAREL FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Supplementary Order No. 113 is amended in the following respects:

1. In section 4 (a) (1) (i) (c) the word "trade" is inserted between the words "and" and "discounts".

2. Section 6 (c) (2) is amended by adding immediately after subdivision (viii), the following new subdivision, designated subdivision (ix).

(ix) He may separate greige goods from finished fabrics.

3. Section 6 (d) is amended to read as follows:

(d) *Change of election.* A manufacturer's election of the class or category basis (and of the categories he desires to use, if he elects the latter basis) shall be indicated in his "new base period report" (see paragraph (a) of Section 14). That election shall become final on December 31, 1945, unless on or before that date the manufacturer shall have filed a new election (together with an appropriately changed "new base period report" reflecting his new election) with the Office of Price Administration, Washington 25, D. C. A new election may become effective only at or as of the beginning of the third or fourth quarter of 1945 or the first quarter of 1946. No new election shall become effective for the third quarter unless it is filed on or before September 10, 1945.

4. Section 7 (a) is amended to read as follows:

(a) A manufacturer shall have as his "base year" either 1944 or the 12-month period from April, 1941 through March 1942 during which he delivered fabrics subject to this order of which at least 5 per cent of a class were delivered in each quarter of that year: *Provided,* That if he cannot use 1944 as his base year, he may at his option apply under section 8 instead of using as his base year the 1941–1942 period previously mentioned. A manufacturer shall himself compute his "maximum average price" (or prices) in accordance with this section by reference to his base year unless since January 1, 1944 he has acquired the business or a predominant part of the production facilities of another manufacturer. Such a manufacturer, as well as a manufacturer who does not have a base year, must apply to the Office of Price Administration for establishment of a maximum average price (or prices), as provided in section 8.

5. Section 7 (b), except for the footnote 2a, is amended to read as follows:

(b) A manufacturer who must compute his maximum average price under this section and who chooses or has 1944 as his base year shall have as his maximum average price (or prices) for the class, or for each category within it, 96 per cent of the weighted average price at which all fabrics within the class or category were delivered by him during the base period.[2a]

6. Section 7 (c), except for the footnote 2a, is amended to read as follows:

(c) If the manufacturer chooses the 12-month period April 1941 through March 1942 as his base year, his maximum average price for the class or for each category within it shall be the weighted average price at which all fabrics within the class or category were delivered by him during his base period. In the case of Class I fabrics only, the weighted average price shall be computed after substituting for each price as invoiced the maximum price now applicable.[2a]

7. Section 7 (f) is amended to read as follows:

(f) Any manufacturer whose year-'round maximum average price for a class, or for each category within a class, as computed under other paragraphs of this section, is or would be less than $1.50 per linear yard on a 56–58 inch width basis, may use as his maximum average price (or prices) for that class, or for each category within that class, the weighted average price (or prices) at which he delivered all fabrics within the class, or each category within the class, during the year, or the corresponding half or quarter (depending on whether he is operating on the year-'round, half-yearly, or quarterly basis) of 1944, but in no event more than $1.50 if he is operating on the year-'round basis or than prices which have a simple average of $1.50 for the class, or for each category within the class, if he is operating on a half-yearly or quarterly basis.

8. Section 7 is amended by adding immediately after paragraph (h), the following new paragraph, designated paragraph (i):

(i) If during 1944 a manufacturer delivered no fabric within a class at a weighted average price (for all deliveries of that fabric) as low as his maximum average price for the class, computed pursuant to paragraphs (b) or (c) above, his maximum average price shall be the weighted average price at which all fabrics within the class were delivered by him during that year.

9. Section 10 (c) (2) (i) is amended to read as follows:

(i) Description of the unavailable machinery, and of the fabrics (construction details) which this machinery could make.

10. Section 10 (c) (2) (ii) is amended to read as follows:

(ii) Why this machinery can make only these fabrics.

11. Section 10 (d) (3) is amended by adding immediately at the end of the subparagraph the following two sentences:

Any adjustment which becomes effective in this manner shall be disregarded in determining whether a manufacturer has earned a credit; a manufacturer will earn a credit only if his weighted average price is less than his otherwise applicable maximum average price.

12. In section 14 (a) (3) the numeral "(vi)" is inserted before the words "the kind of quarters."

13. In section 14 the first sentence of paragraph (b) is amended by substituting the word "one" for the word "two".

14. Section 17 (b) is amended to read as follows:

(b) Paragraph (a) of this section shall not apply to any maximum average price established by or pursuant to section 8 or to any maximum average price which has been based on paragraph (g) of section 7.

This amendment shall become effective as of July 1, 1945.

NOTE: All reporting requirements of this amendment have been approved by the Bu-

[1] 10 F.R. 11512, 11808, 12526, 12960, 12986, 13368, 13402, 13403, 14023, 14257.

[2] 10 F.R. 9265.

reau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21918; Filed, Dec. 6, 1945; 11:33 a. m.]

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PART 1305—ADMINISTRATION

[SO 118, Amdt. 8]

SMALL VOLUME MANUFACTURERS RECONVERSION PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 118 is amended in the following respects:

1. Appendix A is amended by adding to the Product List headed "Building Materials Branch" the following products:

Formed metal plumbing fixtures
Metal framed screen
Steel flooring

2. Appendix D is amended by adding to List 1 the following products and profit factors:

| | |
|---|---|
| Formed metal plumbing fixtures | 2.6 |
| Metal framed screens | 2.9 |
| Steel flooring | 2.1 |

This Amendment No. 8 shall become effective December 6, 1945.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21919; Filed, Dec. 6, 1945; 11:33 a. m.]

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PART 1305—ADMINISTRATION

[SO 119, Amdt. 10]

INDIVIDUAL ADJUSTMENTS FOR RECONVERTING MANUFACTURERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 119 is amended in the following respects:

1. Appendix A is amended by adding to the Product List headed "Building Materials Branch" the following products:

Formed metal plumbing fixtures
Metal framed screen
Steel flooring.

2. Appendix C is amended by adding to List 1 the following products and profit factors:

| | |
|---|---|
| Formed metal plumbing fixtures | 2.6 |
| Metal framed screens | 2.9 |
| Steel flooring | 2.1 |

This Amendment No. 10 shall become effective December 6, 1945.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21920; Filed, Dec. 6, 1945; 11:34 a. m.]

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PART 1334—SUGAR

[MPR 60]

DIRECT-CONSUMPTION SUGARS

Revised Price Schedule 60 is redesignated Maximum Price Regulation 60 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Such specifications and standards as are used in this Regulation were, prior to such use, in general use in the trade or industry affected.

Sec.



AUTHORITY: § 1334.51 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

SECTION 1. *Maximum prices for direct consumption sugars established with prohibition of sales in violation.* On and after March 31, 1942, or the effective date thereof as to any amendment to this regulation, regardless of any contract or other obligation,

(a) No primary distributor shall sell, offer to sell, attempt to sell, deliver, transfer or import direct-consumption sugars at prices higher than the maximum prices established in this regulation.

(b) No person shall buy, offer to buy, attempt to buy or receive from a primary distributor in the course of trade or business direct-consumption sugars at prices higher than the maximum prices established in this regulation.

(c) Maximum prices are established in this regulation on the gross basis specifying prices as to grades and points of delivery. They include all commissions and other charges for such grades at such points. When by including amounts received from or reimbursed by the Commodity Credit Corporation or the Defense Supplies Corporation a specified maximum price is exceeded, the acceptance of or payment of such amounts in excess is not a violation of this regulation. The maximum prices specified in this regulation shall be reduced by any discounts customarily allowed for cash or prompt payment by the seller on sales of such sugars.

SEC. 2. *Maximum prices for direct-consumption sugars.* (a) (1) The maximum basis prices for the following direct-consumption sugars per one hundred pounds, f. o. b. United States seaboard can sugar refinery nearest freightwise to the point of delivery, shall be as follows:

(i) For sales of fine granulated cane sugar refined in Continental United States, $5.50.

(ii) For sales of fine granulated beet sugar processed in Continental United States, $5.40.

(iii) For sales of fine granulated cane sugar from off-shore areas, domestic or foreign, duty paid, $5.45.

(iv) For sales of turbinado, washed-white or similar sugar from offshore areas, domestic or foreign, for direct consumption, $5.25.

(v) For sales of direct-consumption sugars other than those provided for above, in this section, processed from United States mainland sugar cane including but not limited to turbinado, plantation white and high-washed sugars, $5.40.

(2) The respective maximum basis prices established in paragraph (a) (1) of this section shall each be adjusted for grade and package differentials in accordance with the seller's differential therefor published or in effect on December 1, 1941.

(i) Maximum prices for a primary distributor of direct-consumption sugar for grades and packages not provided for in the above paragraph (a) (1) shall be as follows:

(*a*) Maximum prices on sales to any Procurement Agency of the United States Government where the grade sold to such procurement agency is identical with one previously produced by the selling primary distributor, but where the packaging is different, shall be determined by the provisions of Supplementary Order 106 issued by the Office of Price Administration. Where the grade is not identical with one previously produced by the selling primary distributor, the maximum price shall be determined per 100 pounds net for such new grade and package by adding to his maximum basis price per 100 pounds net, packed in basis bag, granulated sugar, the difference in direct cost between manufacturing and packaging the new item and manufacturing and packaging the 100 pounds net, packed in basis bag granulated sugar. Each maximum price determined under the foregoing provisions shall be reported, with a detailed explanation of costs, to the Sugar Section, Food Price Division, Office of Price Administration, Washington, D. C., within 30 days after the first delivery.

(*b*) Maximum prices on sales of a new grade or new package for civilian consumption, which is identical in grade, net weight and packaging material with that of any other primary distributor, shall be determined by adjusting the selling primary distributor's maximum base price by the use of the same differential properly established on that date by the primary distributor with such differential located nearest freightwise to him.

If the new grade or package to be sold for civilian consumption is not so identical with that produced by another primary distributor he shall obtain a maximum price for it by application to the Sugar Section, Food Price Division, Office of Price Administration, Washington, D. C., in which he shall give full data, with a description of grade and package,

detailed production and selling cost differences f. o. b. refinery between the new grade and package and the basis bag per 100 pounds at the date of application, and corresponding figures for his most nearly like grades and packages figured currently and as of December 1, 1941, together with a request for a specific differential. On the basis of this information, the Price Administrator may issue an order establishing a differential for the new grade or package proportionately in line with previously existing differentials. After filing the application and pending authorization, sales may be made (*i*) on open billing or (*ii*) on pro forma collection price based on the requested differential with an agreement for refund to the purchaser of such sum as this price may exceed the maximum price when duly established or (*iii*) on the basis of differential at which sales have heretofore been made prior to the effective date of that amendment.

(3) *Maximum delivered prices.* (i) Except as specifically provided in subdivisions (ii) and (iii) of this subparagraph (3), the maximum delivered price for each of the sugars for which maximum basis prices are established in paragraph (a) (1) of this section shall be determined as follows:

(*a*) Add to the maximum basis price specified, which is per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to the point of delivery (as adjusted for grade and package differentials), the transportation charges for the kind of transportation actually used which would be collectible on a shipment of identical quantity from the refinery from which the lowest established transportation rate to the point of delivery applies: *Provided, however,* That the charges so added shall not exceed those collectible for such a shipment if made entirely by rail; and *Provided,* Where deliveries are ex consignment, transportation charges added shall be on the basis of all-rail rates for the identical quantity but not to exceed the rail carload rate applicable to the lowest carload minimum weight.

(*b*) The point of delivery is the siding or dock or buyer's receiving platform in the vicinity of the buyer's warehouse or place of business where the sugar is to be used or resold.

(*c*) Where the buyer actually takes delivery f. o. b. seller's refinery or at some point other than the buyer's point of delivery, the total of the price paid to the seller, plus the cost of transportation paid by the buyer shall not exceed the maximum delivered price at the buyer's point of delivery, as determined by the provisions of this subdivision.

(*d*) In calculations under the provisions of this subdivision, the "kind of transportation" for sugars from offshore areas shall be that kind actually used after arrival at the point of entry in continental United States.

(ii) Where the buyer's warehouse or place of business at or from which the sugar is to be used or resold is within a refinery city metropolitan area and the transportation to such place is performed by means of a motor vehicle, owned, controlled, or hired by the seller, the maximum delivered price for each of the sugars provided for in paragraph (a) (1) of this section shall be determined by adding to the applicable maximum basis price as specified in said paragraph (as adjusted for grades and packages) a delivery charge per one hundred pounds based on the cartage rates employed by the seller on December 1, 1941.

(iii) Where the transportation to the buyer's warehouse or place of business at or from which the sugar is to be used or resold is performed by means of a motor vehicle, owned, controlled or hired by the buyer, the point of delivery shall be the place at which the sugar is loaded on such vehicle. Where such point of delivery is within a refinery city metropolitan area, the maximum delivered price at such place for each of the sugars provided for in paragraph (a) (1) of this section shall be the applicable maximum basis price as specified in said subparagraph (as adjusted for grades and packages). Where such point of delivery is outside a refinery city metropolitan area, the maximum delivered price shall be calculated and determined under subdivision (i) of this subparagraph (3) using, however, the point of delivery specified in this subdivision (iii). Where the transportation is to be performed by means of a motor vehicle owned, controlled or hired by the buyer, no sale of sugar shall be made unless the seller shall have offered to sell and deliver the sugar at a price not in excess of the price as calculated and determined in subdivision (i) of this subparagraph (3) and the buyer shall have refused such offer. All such sales shall be invoiced, and the invoices shall state as separate items the shipping point of the sugar, the location of buyer's warehouse or place of business at or from which the sugars are to be directly used or resold, the price charged, the amount of transportation charges as calculated and determined in subdivision (i) of this subparagraph (3) and the fact that the seller offered to deliver at or at less than said maximum delivered price as calculated and determined in subdivision (i) of this subparagraph (3) and the buyer rejected said offer.

(b) (1) The maximum price for direct-consumption raw cane sugar of 96 degrees polarization, of domestic or foreign origin, shall be $4.60 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum price specified in paragraph (b) (1) of this section shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of Price Schedule 60.

(c) Sales to the Commodity Credit Corporation for the account of Lend-Lease and to the United States Army or Navy procurement agencies by refineries located on the Atlantic Seaboard and in the States of Louisiana and Texas shall be exempted from the provisions of paragraph (a) (3). On such sales the maximum f. o. b. basis price at seller's refinery may be collected regardless of the amount of further transportation costs paid by the buyer or the point to which the sugar may be moved.

(d) *Notification to wholesalers and retailers of authorized change in maximum price.* With the first delivery of direct-consumption sugar after the effective date of any provision in this regulation establishing a new maximum price, the primary distributor shall supply each purchaser with a written statement showing that price and for each wholesaler and retailer who purchases from him, the statement shall be as follows:

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(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for direct-consumption sugar (describe item by variety, grade, brand, if any, container type and size) has been established by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification on or after (insert effective date of the applicable amendment). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after the primary distributor has established his maximum price under this section, and with his first shipment after the 60-day period to each purchaser who has not made a purchase within that time, the seller shall include the notice set forth above in each case or carton containing the item, or securely attach it to the case or carton, or insert it on or attach it to the invoice covering the shipment.

SEC. 3. *Sales at wholesale and retail.* Sales at wholesale and retail which are governed by Maximum Price Regulations 421, 422 and 423, as amended, are excepted from the operation of this regulation. Maximum prices on sales at retail by primary distributors to sugar cane and sugar beet farmers shall be the same as those specified in this regulation for other sales by primary distributors less the amount of the Federal excise tax.

SEC. 4. *Less than maximum prices.* Lower prices than those established in this regulation may be charged, demanded, paid or offered.

SEC. 5. *Evasion.* The price limitations established by this regulation shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation, or other charge, or by a tying-agreement, or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 1, 1941, for purchasers from primary distributors.

SEC. 6. *Records and reports.* Every seller who makes sales of direct-consumption sugars after the effective date of this regulation shall make and preserve for examination by the Office of

Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price and name and address of the purchaser, as well as all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

SEC. 7. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 9. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 10. *Definitions.* When used in this regulation the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Direct-consumption sugars" means any grade, or type of saccharine product derived from sugar beets or sugar cane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than than 6 per centum of the total soluble solids, and except also syrup of cane juice produced from sugar cane grown in continental United States.

(c) "Primary distributor" means any person who manufactures direct-consumption sugars or the agent of any such persons, or any person who delivers to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(d) "At wholesale" means a sale other than a sale by a primary distributor or a sale at retail.

(e) "Sale at retail" means a sale to the ultimate consumer; *Provided,* No manufacturer, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

SEC. 11. *Provision with respect to direct-consumption sugar to be purchased or sold by Defense Supplies Corporation, Commodity Credit Corporation or the designees of either of them.* (a) The maximum prices established by Section 1 shall be applicable for purchases and sales of direct-consumption sugar by Defense Supplies Corporation, Commodity Credit Corporation, the designee or designees of either of them or other United States Governmental agency duly authorized to perform functions in connection with sugar exercised by either of them except:

(1) In cases of purchases by any of the above-specified where such maximum prices are below the sellers' cost for such sugars, application may be made and the Administrator may grant maximum prices for the sale and purchase thereof in excess of the maximum prices set out in said section.

(2) In cases where the seller was not subject to the provisions of section 1 prior to March 31, 1942, the differentials for grades and packages, and the cartage rates of his nearest freightwise primary distributor shall be used.

(3) Application may be made and approval granted by the Administrator for sales by any of the above specified parties and the purchase from any of them at maximum prices in excess of the maximum prices established by said section, and

(4) The above-specified parties may enter into valid contracts providing for payment of a price to be adjusted not to exceed the maximum price established by the Office of Price Administration effective at the time of shipment.

(b) All maximum prices with conditions and rights of designation established for purchases and sales of the Defense Supplies Corporation are hereby established for the Commodity Credit Corporation and shall henceforth apply to other United States governmental agencies duly authorized to perform functions in connection with sugar exercised by either of them.

SEC. 12. *Applicability.* The provisions of this regulation shall not apply to sales and deliveries of direct-consumption sugars to or in the territories and possessions of the United States.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. No person may deliver or agree to deliver at prices to be adjusted upward after delivery in accordance with action taken by the Office of Price Administration except upon authorization by the Office of Price Administration. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. This authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated, by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Taxes.* Any tax upon or incident to the sale, delivery, processing or use of direct-consumption sugars imposed after July 10, 1943 by any statute of the United States or statute or ordinance of any State or subdivision thereof shall be treated in determining the seller's maximum price for direct-consumption sugar and in preparing the records of such seller with respect thereto as follows: If the statute or ordinance imposing such tax or increase in tax does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately collect and state it, the seller may receive in addition to the otherwise maximum price, the amount of such tax or increase in tax actually paid by him or an amount equal to the amount of such tax on direct-consumption sugars paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 15. *Export sales.* The maximum price at which a person can export direct-consumption sugars shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

*Effective date.* This regulation shall become effective December 11, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

Approved: November 28, 1945.

J. B. HUTSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 45-21914; Filed, Dec. 6, 1945; 11:33 a. m.]

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## PART 1346—BUILDING MATERIALS

[MPR 224, Amdt. 13]

### CEMENT

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 224 is amended in the following respects:

1. A new § 1346.104 (a) (1) (*f*) is added to read as follows:

(*f*) The maximum price determined pursuant to the above pricing method may be increased by a manufacturer meeting the conditions set forth below by an amount not in excess of $0.20 per barrel when the following conditions are met:

The sale is made f. o. b. a mill located within the geographical area defined herein; or

The sale is made on a delivered basis and the delivered destination point is within the geographical area defined herein.

The geographical area referred to herein is defined to be the states of Nebraska, Kansas, Oklahoma, Arkansas and that portion of Missouri west of and including the counties of Putnam, Sullivan, Linn, Chariton, Howard, Cooper, Moniteau, Morgan, Camden, Dallas, Webster, Christian and Taney.

Any manufacturer who has increased his maximum selling prices of cement pursuant to this subdivision shall furnish to each buyer purchasing cement for resale in the same form on or before the date the manufacturer makes delivery at the adjusted price, a written statement to read as follows:

Effective December 11, 1945 the Office of Price Administration has authorized an increase of not more than $0.20 per barrel over March 1942 prices, to manufacturers of cement in Bureau of Mines District No. 8. Any person who resells this cement in the same form is permitted to add the actual dollars-and-cents increase in cost to him resulting from the manufacturer's increase to his existing maximum price for cement actually purchased at the increased price for resale in the same form.

2. A new § 1346.104 (a) (1) (*g*) is added to read as follows:

(*g*) The maximum price determined pursuant to the above pricing method may be increased by a manufacturer meeting the conditions set forth below by an amount not in excess of $0.20 per barrel when the following conditions are met:

The sale is made f. o. b. a mill located within the geographical area defined herein; or

The sale is made on a delivered basis and the delivered destination point is within the geographical area defined herein.

The geographical area referred to herein is defined to be the states of Idaho, Montana, Wyoming, Utah, Colorado and New Mexico.

Any manufacturer who has increased his maximum selling prices of cement pursuant to this sub-division shall furnish to each buyer purchasing cement for resale in the same form on or before the date the manufacturer makes delivery at the adjusted price, a written statement to read as follows:

Effective December 11, 1945 the Office of Price Administration has authorized an increase of not more than $0.20 per barrel over March 1942 prices, to manufacturers of cement in Bureau of Mines District No. 10. Any person who resells this cement in the same form is permitted to add the actual dollars-and-cents increase in cost to him resulting from the manufacturer's increase to his existing maximum price for cement actually purchased at the increased price for resale in the same form.

This amendment shall become effective December 11, 1945.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21915; Filed, Dec. 6, 1945; 11:34 a. m.]

## PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 130,[1] Amdt. 12]

### NEWSPRINT PAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation is amended in the following respect:

Section 1347.283 (a) (2) is amended to read as follows:

(2) The maximum price for shipments to destinations in zone 4, exclusive of conversion charges, super standard differential and merchants' mark-ups as set forth in paragraphs (b) (c) and (d) of this section respectively, shall be $68.00, hereinafter referred to as the "base price".

This amendment shall become effective December 11, 1945.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21917; Filed, Dec. 6, 1945; 11:34 a. m.]

## PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 550, Amdt. 6]

### CURED AND SMOKED FISH

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 550 is amended in the following respects:

1. Section 1.16 (a) is amended to read as follows:

(a) "Cured or smoked fish" includes salted, pickled, smoked and dried fish. It also includes cooked shrimp.

2. Section 7.1 (b) is amended to read as follows:

(b) The maximum price for sales by a processor of smoked boneless herring packed in any container not listed in paragraph (a) shall be a price determined by the Office of Price Administration to be in line with the price established in paragraph (a). Such determination shall be made upon written request addressed to Office of Price Administration, Washington, D. C., and accompanied by a statement showing costs and usual differentials.

3. A new Article VIII is inserted after Article VII to read as follows:

### ARTICLE VIII—COOKED SHRIMP

SEC. 8.1 *Processor's maximum prices.* A processor's maximum price f. o. b. plant for a sale (including a sale to a retailer) of cooked shrimp is determined as follows:

(a) If the shrimp was cooked at, or the sale involves delivery at or from, a place within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana or Texas within 75 air miles from the Atlantic Ocean or the Gulf of Mexico, his maximum price is the appropriate price listed in section 8.3 (a).

(b) If the sale is not covered by paragraph (a) his maximum price is governed by the General Maximum Price Regulation.

SEC. 8.2 *Maximum prices for sales by certain distributors.* (a) Notwithstanding the provisions of section 1.9 (b), this section fixes maximum prices for sales of cooked shrimp by a distributor (other than a processor) whose sales are not covered by Maximum Price Regulations No. 421, 422 or 423 and who distributes cooked shrimp from a place of business (other than a public freezer) which is not in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana or Texas within 75 air miles from the Gulf of Mexico or the Atlantic Ocean and at which he unloads and warehouses cooked shrimp and keeps two or more fulltime employees for the purpose of handling or packing cooked shrimp exclusively for him, and from the stock of which he distributes and sells such cooked shrimp to wholesalers, retailers and purveyors of meals.

(b) The maximum price for a sale by such a distributor is the appropriate processors' price listed in section 8.3 (a), plus transportation costs from the supplier's shipping point to his distribution point, plus 5 cents per pound. Transportation costs shall not include local trucking, hauling or handling charges and shall not exceed the common carrier rate for the type of shipment used.

(c) Where a distributor does not qualify for the maximum prices established by this section 8.2 or by Maximum Price Regulations Nos. 421, 422, or 423 his maximum prices are established by section 1.9 (b).

SEC. 8.3 *Wholesalers' maximum prices for sales of cooked shrimp which they produce.* If a wholesaler whose business is covered by Maximum Price Regulation No. 421 produces cooked shrimp his maximum price for a sale of such cooked shrimp is determined as follows:

(a) If the shrimp was cooked at, or the sale involves delivery at or from, a place within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana or Texas within 75 air miles from the Atlantic Ocean or the Gulf of Mexico, the sale is governed by paragraph (b) of section 16 of Maximum Price Regulation No. 421. In accordance with the provisions of that paragraph his maximum price for such sale is the appropriate price listed in section 8.3 (a) for sales by processors.

(b) If the sale is not covered by paragraph (a) it is governed by paragraph (c) of section 16 of Maximum Price Regulation No. 421. In accordance with the provisions of that paragraph his maximum price for such sale must be determined under the General Maximum Price Regulation.

SEC. 8.4 *Retailers' maximum prices for sales of cooked shrimp which they*

[1] 10 F.R. 5780.

*produce.* If a retailer whose business is covered by Maximum Price Regulation No. 422 or Maximum Price Regulation No. 423 produces cooked shrimp his maximum price for a sale of such cooked shrimp is determined as follows:

(a) If the shrimp was cooked at, or the sale involves delivery at or from, a place within the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana or Texas within 75 air miles from the Atlantic Ocean or the Gulf of Mexico, the sale is governed by paragraph (a) of section 25 of Maximum Price Regulation No. 422 (also applicable to retailers covered by Maximum Price Regulation No. 423). In accordance with the provisions of such paragraph his "net cost" is the appropriate price listed in section 8.8 (a) for processors' sales delivered to his usual receiving point. His maximum price is determined by adding the appropriate mark-up provided by Maximum Price Regulation No. 422 or Maximum Price Regulation No. 423, whichever is applicable, to his "net cost".

(b) If the sale is not covered by paragraph (a) it is governed by paragraph (c) of section 25 of Maximum Price Regulation No. 422. In accordance with the provisions of that paragraph his maximum price for such sale must be determined under the General Maximum Price Regulation.

SEC. 8.5 *Notification to wholesalers and retailers.* Processors and processor-wholesalers must notify wholesalers and retailers of their new maximum prices, in accordance with the directions contained in section 1.10 of this regulation.

SEC. 8.6 *Definitions.* (a) "Cooked" means shrimp which has been cooked, regardless of whether or not it has been further processed by freezing, spicing, peppering or other processing, and which has not been packed in hermetically sealed containers.

(b) "Count" means the number of cooked shrimp to the pound.

(c) "Headless" means shrimp from which the head has been removed.

(d) "Peeled" means shrimp from which the shell has been removed.

(e) "Processor" is defined in section 1.16 (e).

(f) "Veined" means shrimp from which the alimentary canal (sand vein) has been removed.

(g) "Shrimp" means all species of shrimp and/or prawn.

(h) The various sizes of cooked shrimp are as follows:

| Style of processing | Size | Count per pound |
|---|---|---|
| Headless, cooked, peeled and veined. | Jumbo | Less than 62. |
| | Large | 62-86. |
| | Medium | 87-138. |
| | Small | More than 138. |
| Headless, cooked and peeled. | Jumbo | Less than 57. |
| | Large | 57-80. |
| | Medium | 81-128. |
| | Small | More than 128. |
| Headless, cooked (unpeeled). | Jumbo | Less than 42. |
| | Large | 42-58. |
| | Medium | 59-98. |
| | Small | More than 98. |

SEC. 8.7 *Cross-references.* Article I contains general provisions applicable to all sellers covered by this regulation. Attention is specifically called to section 1.11 (Records and reports).

SEC. 8.8 (a) *Table of prices in cents per pound:*

| Size | Size container (net weight of shrimp) | Headless, cooked (unpeeled) | Headless, cooked and peeled | Headless, cooked, peeled and veined |
|---|---|---|---|---|
| Jumbo | 5 pound | $0.48 | $0.70 | $0.80 |
| | 1 pound | .49½ | .72 | .82 |
| | ¾ pound or less | .50 | .73 | .83 |
| Large | 5 pound | .39 | .60 | .70 |
| | 1 pound | .40½ | .62 | .72 |
| | ¾ pound or less | .41 | .63 | .73 |
| Medium | 5 pound | .33 | .50 | .60 |
| | 1 pound | .34½ | .52 | .62 |
| | ¾ pound or less | .35 | .53 | .63 |
| Small | 5 pound | .28 | .40 | .50 |
| | 1 pound | .29½ | .42 | .52 |
| | ¾ pound or less | .30 | .43 | .53 |
| Ungraded | 5 pound | .28 | .40 | .50 |
| | 1 pound | .29½ | .42 | .52 |
| | ¾ pound or less | .30 | .43 | .53 |

(b) The table price for cooked shrimp sold in a listed container upon which is not marked the size, style of processing and net weight of the cooked shrimp packed therein is the price listed for ungraded, headless, cooked (unpeeled) shrimp in 5 pound containers.

(c) The maximum price for sales of cooked shrimp in a container size or style of processing not listed in paragraph (a) shall be a price determined by the Office of Price Administration to be in line with the prices established in paragraph (a). Such determination shall be made upon written request addressed to the Office of Price Administration, Washington, D. C., and accompanied by a statement, showing costs and usual differentials.

This amendment shall become effective December 11, 1945.

NOTE: The record keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21916; Filed, Dec. 6, 1945; 11:34 a. m.]

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## Chapter XVIII—Office of Stabilization Administrator, Office of War Mobilization and Reconversion

### PART 4001—STABILIZATION OF WAGES AND PRICES

#### SUPPLEMENTARY WAGE AND SALARY REGULATIONS

Pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9620 of September 20, 1945 (10 F.R. 12033), the directive of October 12, 1945, issued by the Director of War Mobilization and Reconversion (10 F.R. 12812), and by Executive Order 9651 of October 30, 1945 (10 F.R. 13487), the following regulations are hereby promulgated:

SUBPART A—GENERAL PROVISIONS

Sec.
4001.101 Purpose.
4001.102 "Approved" and "unapproved" wage and salary increases.
4001.103 What wage and salary increases are lawful.
4001.104 What wage or salary increases are or may be approved.
4001.105 Effect of "unapproved" wage and and salary increases.
4001.106 Effect of "approved" wage and salary increases.
4001.107 List of designated wage or salary stabilization agencies.
4001.108 Application to suspend price or rent ceilings.
4001.109 Wage increases required by certain statutes.

SUBPART B—UNAPPROVED WAGE OR SALARY INCREASES

4001.201 Right to seek approval after making increase.
4001.202 Extent of waiver by institution of unapproved increase.
4001.203 When an unapproved wage or salary increase may not be taken into consideration in determining price or rent ceilings.
4001.204 Method of excluding unapproved increases from costs.
4001.205 When an unapproved wage or salary increase shall be taken into consideration in determining price ceilings.
4001.206 Use of unapproved increase as basis for seeking increase in utility rates.
4001.207 Use of unapproved increase as basis for increasing costs to the United States.

SUBPART C—APPROVAL OF WAGE OR SALARY INCREASES

4001.301 Wage or salary increases which are approved without further application to wage or salary stabilization agencies.
4001.302 Wage or salary increases approvable only on application to wage or salary stabilization agency.
4001.303 Increases falling within standards in effect prior to August 18, 1945.
4001.304 "Cost of living" increases.
4001.305 Increases to correct interplant inequities.
4001.306 Increases necessary to insure full production in a "bottleneck" industry.
4001.307 Special provision for cases involving costs to the United States.
4001.308 Agreements for conditional wage or salary increases.

SUBPART D—EFFECT OF APPROVED WAGE OR SALARY INCREASES

4001.401 Effect of approved increases in determining price or rent ceilings.
4001.402 Prohibition against adjustment of price or rent ceilings before approved increase has been put into effect or agreed to.
4001.403 Price increases to be limited to employers who have instituted wage or salary increases.
4001.404 Use of estimates as to effect of approved wage or salary increases on price or rent ceilings.
4001.405 How the Price Administrator will estimate the effect of approved wage or salary increases.
4001.406 Effect of approved increases in determining costs to the United States.
4001.407 Increased costs to the United States to be limited to employers who have instituted wage or salary increases.

AUTHORITY: §§ 4001.101 to 4001.407, inclusive, issued under Stabilization Act, 1942, as amended; E.O. 9250, Oct. 3, 1942, 7 F.R. 7871; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; E.O. 9599, Aug. 18, 1945, 10 F.R. 10155; E.O. 9620, Sept. 20, 1945, 10 F.R. 12033; directive, Oct. 12, 1945, issued by Director of War Mobilization and Reconversion, 10 F.R. 12812; E.O. 9651, Oct. 30, 1945, 10 F.R. 13487.

SUBPART A—GENERAL PROVISIONS

§ 4001.101 *Purpose.* The purpose of §§ 4001.101 to 4001.407, inclusive, is to carry out the policies established in Executive Orders 9599 (August 18, 1945) and 9651 (October 30, 1945) with respect to increases in wages and salaries and their relationship to price and rent ceilings and costs to the United States. Sections 4001.101 to 4001.407, inclusive, supersede all previous regulations, directives or rulings of the Economic Stabilization Director or the Stabilization Administrator to the extent that they are inconsistent with them.[1]

§ 4001.102 *"Approved" and "unapproved" wage and salary increases.* As used in §§ 4001.101 to 4001.407, inclusive, an "approved" wage or salary increase means an increase which has been approved both by the appropriate wage or salary stabilization agency (listed in § 4001.107) and by the Stabilization Administrator or in his behalf in accordance with § 4001.302. An "unapproved" wage or salary increase means any other wage or salary increase.

§ 4001.103 *What wage and salary increases are lawful.* (a) Subject to the exceptions stated in the succeeding paragraphs of this section, the payment of any wage or salary increase on or after August 18, 1945, is lawful under the wage stabilization laws. The fact that such a wage or salary increase is "unapproved" does not mean that it is unlawful under those laws or that it is disapproved by the Government. The consequences of approval or lack of approval of a wage or salary increase paid on or after August 18, 1945, have to do only with the extent, if any, to which the increase may be used in determining price or rent ceilings or in increasing costs to the United States.

(b) Pending provision to the contrary by the National War Labor Board, or any successor agency, a wage or salary increase subject to § 803.41 of Title 29 (General Order 41 (relating to the building construction industry)) or § 803.42 of Title 29 (General Order 42 (relating to certain wage adjustments in the basic steel industry)) is not lawful unless, before the increase is made, it has been approved as required by the applicable order.

(c) Pending provision to the contrary by the Secretary of Agriculture, a wage or salary increase subject to the wage or salary stabilization regulations of the Secretary of Agriculture is not lawful unless, before the increase is made, it has been approved as required by those regulations or unless the increase is permissible under the terms of those regulations.

§ 4001.104 *What wage or salary increases are or may be approved.* The classes of wage or salary increases which are or may be approved are set forth in Subpart C.

§ 4001.105 *Effect of "unapproved" wage and salary increases.* An unapproved wage or salary increase shall not be taken into consideration in determining price or rent ceilings or in increasing costs to the United States except to the limited extent authorized in Subpart B.

§ 4001.106 *Effect of "approved" wage and salary increases.* An approved wage or salary increase may be taken into consideration in determining price or rent ceilings or in increasing costs to the United States in accordance with the provisions of Subpart D.

§ 4001.107 *List of designated wage or salary stabilization agencies.* (a) The following, for the purpose of §§ 4001.101 to 4001.407, inclusive, are designated wage and salary stabilization agencies:

(1) The National War Labor Board, or any successor agency, with respect to wages and salaries as to which the Board exercised jurisdiction on August 17, 1945.

(2) The Commissioner of Internal Revenue, with respect to salaries as to which the Commissioner exercised jurisdiction on August 17, 1945.

(3) The Stabilization Administrator, with respect to wages and salaries as to which the National War Labor Board was precluded from exercising authority by the Lea Amendment to the National War Agencies Appropriation Act of 1946. (Such cases will be transmitted to the Stabilization Administrator by the Secretary of Agriculture.)

(4) The Secretary of Agriculture, with respect to wages and salaries as to which the Secretary exercised jurisdiction on August 17, 1945.

(b) The provisions of §§ 4001.101 to 4001.407, inclusive, are also applicable, to the extent provided by Executive Order 9299 and section 4 of the Stabilization Act of 1942, as amended, to wages and salaries of employees who are subject to the provisions of the Railway Labor Act.

§ 4001.108 *Application to suspended price or rent ceilings.* For the purposes of §§ 4001.101 to 4001.407, inclusive, the terms "price or rent ceilings" shall include price or rent ceilings which have been suspended by the Price Administrator.

§ 4001.109 *Wage increases required by certain statutes.* Nothing in §§ 4001.101 to 4001.407, inclusive, shall be construed to apply to any wage or salary increase required by the provisions of the Fair Labor Standards Act, the Walsh-Healey Act, or the Davis-Bacon Act.

SUBPART B—UNAPPROVED WAGE OR SALARY INCREASES

§ 4001.201 *Right to seek approval after making increase.* The making of a wage or salary increase without obtaining prior approval shall not be deemed to be a waiver of the right to apply for approval thereafter. Approval shall be given or withheld on the same basis as if the employer had applied for it before putting the wage or salary increase into effect.

§ 4001.202 *Extent of waiver by institution of unapproved increase.* Except as provided in §§ 4001.203 to 4001.207, inclusive, the making on or after August 18, 1945, of an unapproved wage or salary increase shall be deemed to be a waiver, unless and until the increase is approved, of:

(a) Any right which the employer might have to use such increase in whole or in part as a basis for seeking or obtaining an increase in price or rent ceilings;

(b) Any right which the employer might have to use such increase in whole or in part as a basis for resisting an otherwise justifiable reduction in price or rent ceilings which, at the time the increase was made, had been announced by the Office of Price Administration as under consideration;

(c) Any right which the employer might have, in the case of products or services being furnished under contract with a federal procurement agency, to use such increase in whole or in part as a basis for increasing costs to the United States;

(d) Any right which the employer, if a public utility or common carrier, might have to use such increase in whole or in part as a basis for seeking or obtaining an increase in rates: *Provided,* That the provisions of this paragraph shall in no event be held to impair the right of any public utility or common carrier to seek an increase in rates based in whole or in part upon an unapproved wage or salary increase after the expiration of the Stabilization Act of 1942, as amended.

§ 4001.203 *When an unapproved wage or salary increase may not be taken into consideration in determining price or rent ceilings.* (a) The Price Administrator shall not take into consideration any unapproved wage or salary increase in determining price or rent ceilings except in cases in which the conditions of § 4001.205 have been satisfied. Notwithstanding this provision, however, the Price Administrator may take an unapproved wage or salary increase into consideration in determining whether a reduction in price or rent ceilings is justifiable if the reduction had not been announced as under consideration at the time when the wage or salary increase was made.

(b) No seller or landlord may take any unapproved wage or salary increase into consideration in determining his price or rent ceilings except in accordance with regulations or orders of the Price Administrator issued pursuant to § 4001.205 (a) (5).

§ 4001.204 *Method of excluding unapproved increases from costs.* Whenever there is presented as a basis for an increase in price or rent ceilings an operating or financial statement which reflects, in whole or in part, the results of operations during a period in which an unapproved wage or salary

[1] As hereafter used in §§ 4001.101 to 4001.407, inclusive, the term "Stabilization Administrator" includes also the Economic Stabilization Director in the case of actions taken before September 20, 1945.

increase was paid but which does not satisfy the requirements of § 4001.205, the Price Administrator shall:

(a) As a general rule, deduct from the costs as shown in the statement the amount of the increase in pay roll resulting from the unapproved increase, except to the extent that the employer affirmatively shows that the increase in labor costs attributable to the unapproved increase was less than the increase in payroll; but

(b) Accept, if otherwise proper, the costs as shown in the statement without correction on account of the unapproved increase, to the extent that the increase served only to maintain average hourly earnings after discontinuance of an established overtime schedule, and, therefore, presumptively did not increase costs.

§ 4001.205 *When an unapproved wage or salary increase shall be taken into consideration in determining price ceilings.* (a) The Price Administrator shall take an unapproved wage or salary increase into consideration in determining whether an increase in price or rent ceilings is then required under the provisions of any applicable maximum price or rent regulation or under the applicable statutory or administrative standards governing a change in price or rent ceilings if, but only if, the employer submits an operating or financial statement satisfying the requirements of this section.

(1) Such an operating or financial statement shall be prepared in such manner and form as the Price Administrator may by regulation or order require and shall reflect the effect of the increase on costs, or show the employer's profit position, for a representative period beginning on or after the date on which the increase was made and ending not less than six months after that date. For the purposes of this section and of Executive Order 9651, a wage or salary increase will be deemed to have been made on the date when it was first reflected in current pay rolls after having been announced as effective.

(2) The Price Administrator may, before taking into consideration any unapproved wage or salary increase in determining price or rent ceilings, require preparation or submission of an operating or financial statement covering a longer period than that specified in subparagraph (1) if he finds that, because of exceptional circumstances, such a statement is necessary in order to secure an adequate basis for judging whether the increase can be absorbed.

(3) In no case may any greater weight be given an unapproved wage or salary increase in determining price or rent ceilings than is justified by an operating and financial statement submitted in accordance with the provisions of subparagraphs (1) or (2) of this paragraph.

(4) In no case may the Price Administrator take into consideration in determining price or rent ceilings any retroactive part of an unapproved wage or salary increase—that is, any part of a wage or salary increase paid on account of work done prior to the date when the increase was made, as defined in subparagraph (1).

(5) The Price Administrator shall issue appropriate regulations or amendments to existing regulations or orders, consistent with the requirements of this section, applicable to cases in which sellers or landlords determine their own price or rent ceilings without application to the Office of Price Administration.

(b) Nothing in this section nor in Executive Order 9651 shall be construed to direct any increase in price or rent ceilings, or an increase in any particular amount, unless such increase is required under the provisions of an applicable maximum price or rent regulation or under the applicable statutory or administrative standards governing changes in price or rent ceilings. Thus, neither this section nor Executive Order 9651 shall be construed to require the adjustment of any employer's price or rent ceilings on an individual-seller or individual-rental unit basis unless adjustment on this basis is authorized by the provisions of an applicable regulation or order. Nor shall the results of operations as disclosed in the operating or financial statement provided for in this section be taken as determinative of the need for an increase in price or rent ceilings, or the amount of any needed increase, if other grounds exist which, under the standards generally applied in cases not involving unapproved wage or salary increases, would warrant different action.

§ 4001.206 *Use of unapproved increase as basis for seeking increase in utility rates.* An employer, if a public utility or common carrier, shall not use any unapproved wage or salary increase as a basis, in whole or in part, for an application for an increase in rates, except on the basis of an operating or financial statement reflecting the effect of the increase on costs, or showing the employer's profit position, for a representative period beginning on or after the date on which the increase was made and ending not less than six months after that date. The employer shall specifically indicate, in any notice to the Price Administrator of an application for a rate increase, whether the application is based in whole or in part on an unapproved wage increase. If, in the judgment of the Price Administrator, an operating statement covering a longer period is necessary, because of exceptional circumstances, in order to secure an adequate basis for judging whether the increase can be absorbed, he is authorized in behalf of the Stabilization Administrator to make appropriate representations to the rate regulatory agency.

§ 4001.207 *Use of unapproved increase as basis for increasing costs to the United States.* (a) No unapproved wage or salary increase shall be used as a basis for increasing costs to the United States. No federal procurement agency shall agree to terminate any contract for the purpose of negotiating a new contract which will take account of the cost of an unapproved wage or salary increase. So far as practicable, no federal procurement agency shall take any unapproved wage or salary increase into account in negotiating a fixed price contract.

(b) In determining whether an unapproved wage or salary increase would increase costs to the United States, federal procurement agencies shall be guided by the provisions of § 4001.204 governing the exclusion of costs of unapproved increases from price or rent ceilings.

(c) Nothing in this section shall require exclusion of an unapproved wage or salary increase as an item of cost in any renegotiation proceeding under the Renegotiation Act of 1943, as amended.

### SUBPART C—APPROVAL OF WAGE OR SALARY INCREASES

§ 4001.301 *Wage or salary increases which are approved without further application to wage or salary stabilization agencies.* Any wage or salary increase (including the institution of a new wage or salary rate) of a kind described in this section shall be deemed to be approved for the purposes of §§ 4001.101 to 4001.407, inclusive, and may be taken into consideration in determining price or rent ceilings or in increasing costs to the United States in accordance with the provisions of Subpart D.

(a) Any wage or salary increase lawfully made without specific approval or approved by the appropriate wage or salary stabilization agency before August 18, 1945.

(b) Any individual or other wage or salary increase made in accordance with the terms and conditions of a wage or salary schedule or plan (including a bonus plan) which was lawfully in effect before August 18, 1945.

(c) Any wage or salary increase made in accordance with the requirements of § 803.6 or § 803.38 of Title 29 (General Orders Nos. 6 or 38 of the National War Labor Board) or §§ 1002.13 and 1002.14 of Title 29 (Treasury Decision 5295).

(d) Any wage or salary increase satisfying the requirements of § 803.30 of Title 29 (General Order No. 30 of the National War Labor Board (relating to increases up to 55 cents an hour)).

§ 4001.302 *Wage or salary increases approvable only on application to wage or salary stabilization agency.* (a) A wage or salary increase which does not fall into one of the classes listed in § 4001.301 may be approved only on application to, and decision by, the appropriate wage or salary stabilization agency. Such an increase shall be approved only if the appropriate wage or salary stabilization agency finds that it falls within one or more of the classes of cases described in §§ 4001.303 to 4001.306, inclusive, and only to the extent to which it is found approvable under the terms of those sections. Upon the determination by the appropriate wage or salary stabilization agency that a wage or salary increase is approvable under the terms of the applicable section, the increase shall be deemed to be approved also by the Stabilization Administrator.

(b) The Stabilization Administrator may modify or add to the classes of cases described in this subpart. As a general rule, he will consider the need for such

modification or addition only upon recommendation of one or more of the designated wage or salary stabilization agencies. The Stabilization Administrator will broaden the standards for approvable increases only if he finds that such action is consistent with the overriding policy of Executive Orders 9599 and 9651 to continue the stabilization of the economy.

§ 4001.303 *Increases falling within standards in effect prior to August 18, 1945.* The appropriate wage or salary stabilization agency may approve any wage or salary increase which it finds falls within one of the standards in effect on August 17, 1945, (except the standards relating to "rare and unusual" cases) under which applications for wage or salary increases were approved.

§ 4001.304 *"Cost of living" increases.* The appropriate wage or salary stabilization agency may approve a wage or salary increase which it finds, on the facts of the particular case, is necessary to correct a maladjustment which would interfere with the effective transition to a peacetime economy and is further necessary to make the percentage increase in average straight-time hourly earnings in the appropriate unit since January 1, 1941, equal the percentage increase in the cost of living between January 1941 and September 1945. For the purposes of this section this percentage increase in the cost of living shall be deemed to be 33 percent. The National War Labor Board and the Commissioner of Internal Revenue will issue appropriate regulations or orders describing to the fullest practicable extent the standards to be applied in passing upon applications for approval under this section.

§ 4001.305 *Increases to correct interplant inequities.* The appropriate wage or salary stabilization agency may approve a wage or salary increase which it finds on the facts of the particular case, giving due consideration to normal competitive relationships, is necessary to correct an inequity in wage rates or salaries among plants in the same industry or locality which would interfere with the effective transition to a peacetime economy. The National War Labor Board and the Commissioner of Internal Revenue will issue appropriate regulations or orders describing to the fullest practicable extent the standards to be applied in passing upon applications for approval under this section.

§ 4001.306 *Increases necessary to insure full production in a "bottleneck" industry.* (a) The Stabilization Administrator may, by order issued under this section, authorize approval of any wage or salary increases found necessary to insure full production in an industry which is essential to reconversion and in which existing wage or salary rates are inadequate to the recruitment of needed manpower.

(b) The Stabilization Administrator will take action under this section only upon recommendation of an interested Government agency and only if he finds, on the facts of the particular case, that the action would be consistent with the purposes of the stabilization laws. In no case will he take such action unless he finds, first, that adequate production in the industry in question is of critical importance to the reconversion program and to adequate production in other essential industries; second, that present and anticipated production is seriously short of the needed amount; third, that inability to recruit manpower is a controlling factor in preventing the needed production; and, fourth, that the circumstances justify an inquiry to determine whether an increase in wage rates is necessary to make possible, and would be effective in making possible, the recruitment of needed manpower.

§ 4001.307 *Special provision for cases involving costs to the United States.* The appropriate wage or salary stabilization agency may refer to the Stabilization Administrator any wage or salary increase which is not approvable under the provisions of §§ 4001.301 to 4001.306, inclusive, if the increase involves only increased costs to the United States and if, in the agency's opinion, approval of the increase would be consistent with the policy of the stabilization laws and of Executive Orders 9599 and 9651.

§ 4001.308 *Agreements for conditional wage or salary increases.* No wage or salary stabilization agency shall consider or act upon an application for approval of any wage or salary increase which appears to be conditioned in whole or in part upon the granting of an increase in price or rent ceilings. This provision however, shall not be a bar to consideration of an increase which is conditioned upon approval by the appropriate wage or salary stabilization agency nor of an increase which is not to be put into effect until a determination has been made by the Office of Price Administration as to whether an increase in price ceilings is required.

SUBPART D—EFFECT OF APPROVED WAGE OR SALARY INCREASES

§ 4001.401 *Effect of approved increases in determining price or rent ceilings.* (a) In determining price or rent ceilings, the Price Administrator shall take into consideration, on the same basis as other factors affecting costs, any wage or salary increase which is approved under the provisions of §§ 4001.101 to 4001.407, inclusive. In so doing, however, the Price Administrator shall exclude from consideration any retroactive part of any such increase—that is, any part paid on account of work done prior to the date when the increase was made, as defined in § 4001.205 (a) (1).

(b) Nothing in §§ 4001.101 to 4001.407, inclusive, shall be construed as directing any increase in price or rent ceilings which is not required under the provisions of an applicable maximum price or rent regulation or under the applicable statutory or administrative standards governing changes in price or rent ceilings.

§ 4001.402 *Prohibition against adjustment of price or rent ceilings before approved increase has been put into effect or agreed to.* The Price Administrator shall not, in the absence of specific approval by the Stabilization Administrator, authorize any increase in price or rent ceilings or make any commitment to authorize any such increase on the basis of any increase in wages or salaries unless such wage or salary increase has been put into effect or a firm agreement exists to put it into effect.

§ 4001.403 *Price increases to be limited to employers who have instituted wage or salary increases.* To the fullest practicable extent the Price Administrator shall provide that no employer shall be eligible for the benefits of any increase in price or rent ceilings based upon a wage or salary increase except to the extent to which he himself has put into effect such wage or salary increase.

§ 4001.404 *Use of estimates as to effect of approved wage or salary increases on price or rent ceilings.* If in the judgment of the Price Administrator the effect of an approved wage or salary increase on costs cannot be estimated within a reasonable margin of error, he shall not authorize any price increase based thereon until he can obtain cost information based on experience during a representative period subsequent to the wage or salary increase. In other cases the Price Administrator may estimate the effect of an approved wage or salary increase on costs without requiring data showing the operating effect of the wage or salary increase. In such cases he may thereafter review and revise the action in the light of actual experience during a representative period subsequent to the increase.

§ 4001.405 *How the Price Administrator will estimate the effect of approved wage or salary increases.* In estimating the effect on costs attributable to an approved wage or salary increase, the Price Administrator shall give due consideration to: (a) Other factors resulting in reductions in labor costs; (b) seasonal, non-recurring, temporary or other non-representative factors; (c) any finding made by an appropriate Federal agency with respect to the effect of the wage or salary increase on costs; and (d) any other relevant evidence of the effect of the wage or salary increase on costs.

§ 4001.406 *Effect of approved increases in determining costs to the United States.* In the case of products or services being furnished under contract with a federal procurement agency, such agency may take into consideration, on the same basis as other factors affecting costs, any wage or salary increase which is approved under the provisions of §§ 4001.101 to 4001.407, inclusive. Nothing in §§ 4001.101 to 4001.407, inclusive, however, shall be construed as authorizing or requiring any increase in costs to the United States which is not required by the applicable procurement contract.

§ 4001.407 *Increased costs to the United States to be limited to employers who have instituted wage or salary increases.* To the fullest practicable extent federal

procurement agencies shall provide that no employer shall be eligible for the benefits of any increase in payments by the United States based upon an approved wage or salary increase except to the extent to which he himself has put into effect such wage or salary increase.

JOHN C. COLLET,
*Stabilization Administrator.*

DECEMBER 5, 1945.

[F. R. Doc. 45-21874; Filed, Dec. 5, 1945; 4:06 p. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Order 115-B]

PART 12—RULES GOVERNING AMATEUR RADIO STATIONS AND OPERATORS

EXTENSION OF AMATEUR RADIO OPERATOR LICENSES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1945;

Whereas, The Commission has, pursuant to Order No. 115, adopted May 25, 1943, reinstated and extended for a period of three years from their expiration dates certain radio operator licenses which by their terms had expired or would expire between December 7, 1941 and December 7, 1944; and

Whereas, The Commission has, pursuant to Order No. 115-A, adopted November 28, 1944, extended for a period of one year from their expiration dates certain amateur radio operator licenses which by their terms or by virtue of extensions provided by Order No. 115 would have expired between December 7, 1944 and December 7, 1945; and

Whereas, The conditions which made necessary the adoption of said Orders Nos. 115 and 115-A continue to exist during the present period of demobilization and readjustment; *It is ordered,* That:

Every amateur radio operator license which, either by its own terms or as extended by Orders Nos. 115 and 115-A, would expire during the period December 7, 1945 and December 7, 1946, is hereby extended for a period of one year from the date on which it would otherwise expire.

*Provided, however,* That the provisions of this order shall not apply to any amateur radio operator license that has been or may hereafter be finally suspended by Commission order, or voluntarily surrendered by the licensee, nor to any amateur radio operator licensee who fails or has failed to comply with provisions of the Commission's Order No. 75 as amended.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 45-21862; Filed, Dec. 5, 1945; 12:31 p. m.]

[Order 77-E]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENSION OF REQUIREMENTS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1945;

The Commission having under consideration its rules governing amateur radio stations and operators and its rules governing commercial radio operators, with particular reference to the provisions concerning renewals; and

It appearing, That present conditions render it difficult for amateur radio station licensees, amateur radio operators, and commercial radio operators to make a showing of service or use required for renewal of license; and that such difficulty will be accentuated in many cases due to military service;

*It is ordered,* That §§ 12.26 and 12.66 of the rules governing amateur radio stations and operators, and § 13.28 of the rules governing commercial radio operators, in so far as the required showing of service or use of license is concerned, be, and they are hereby, suspended until further order of the Commission, but in no event beyond June 30, 1946.

This order shall become effective January 1, 1946.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
*Secretary,*

[F. R. Doc. 45-21861; Filed, Dec. 5, 1945; 12:30 p. m.]

## *Notices*

### CIVIL AERONAUTICS BOARD.

[Docket No. 399 et al]

E. W. WIGGINS AIRWAYS, INC. ET AL.; THE NEW ENGLAND CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of E. W. Wiggins Airways, Inc., and other applicants for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and for approval under section 408 of said Act.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on January 7, 1946, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., December 6, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
*Secretary.*

[F. R. Doc. 45-21893; Filed, Dec. 6, 1945; 11:20 a. m.]

[Docket No. 1171 et al.]

AMERICAN EXPORT AIRLINES, INC., ET AL; SOUTH ATLANTIC ROUTE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of American Export Airlines, Inc., U. N. Airships, Inc., Seas Shipping Company, Inc., Pan American Airways, Inc., Pennsylvania-Central Airlines Corporation, and American South African Line, Inc., for certificates and amendment of existing certificates of public convenience and necessity authorizing air transportation between the United States and points in Africa and Europe, under section 401 of the civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on December 12, 1945, at 10 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., December 5, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
*Secretary.*

[F. R. Doc. 45-21894; Filed, Dec. 6, 1945; 11:20 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

KOIN, INC.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on November 16, 1945, there was filed with it an application (B5-TC-470) for its consent under section 310 (b) of the Communications Act (47 U.S.C.A. 310) to the proposed transfer of control of KOIN, Inc., (licensee of standard broadcast station KOIN, Portland, Oregon) from C. W. Myers, Josephine Hunt, Gertrude E. Myers and KOIN, Inc., Trustee, to Field Enterprises, Inc., 400 West Madison Street, Chicago, Illinois. The proposed transfer of control of the above licensee is based upon a contract entered into between the selling stockholders and the licensee acting as trustee (sellers) and Field Enterprises, Inc. (buyer), on November 6, 1945, pursuant to which it is proposed to sell to the proposed purchaser all of the 1,000 shares of Class A common stock, and all of the 1,000 shares of Class B common stock not under contract of sale to others, plus

the shares of Class B stock which sellers can reacquire at the same price per share which sellers will receive for Class B shares not under contract of sale. Sellers agree to deliver not less than 950 shares of the Class B stock free and clear of liens. The total purchase price is stated to be $943,967 which is to be increased by the amount of increase in the net worth of licensee between August 31, 1945, and the accounting date (the first or last day of the month in which the transfer is approved) subject to certain adjustments detailed in the contract. The purchase price is also to be decreased to the extent of any sum credited on the purchase price of any Class B stock remaining subject to contract of sale to others. The purchase price is to be increased by the aggregate of certain expense in connection with applications being prosecuted by licensee before the Commission. Of said purchase price, $100,000 in the form of a United States Treasury note has been deposited in escrow with the LaSalle National Safe Deposit Corporation, Chicago, Illinois. The remainder of the purchase price is to be paid upon delivery of the stock on the closing date to be fixed by buyer within ten days after Commission consent to the application has been publicly announced. Further details as to the arrangements between the parties or pertaining to the application may be determined from an examination of the application and associated papers on file at the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider proposed new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, consideration of such applications would be deferred unless applicants desires to follow the procedure proposed in the WLW decision, and supplement their applications so as to come within the framework of the announced procedure including the provision for public notice. Pursuant thereto, the Commission was advised on November 16, 1945, that notice would be inserted in a Portland, Oregon, daily newspaper of general circulation, of the proposed transfer of control of the licensee.

In accordance with the procedure proposed in the WLW decision and that announced in the Commission's release, no action will be had upon the KOIN application for a period of 60 days from November 16, 1945, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U.S.C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 45-21860; Filed, Dec. 5, 1945; 12:30 p. m.]

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[Docket No. 6209]

DURHAM RADIO CORP.

AMENDED NOTICE OF HEARING

In re application of Durham Radio Corporation (WDNC); date filed, April 18, 1941; for construction permit to change frequency, etc.; class of service, broadcast; class of station, broadcast; location, Durham, North Carolina; operating assignment specified: frequency, 620 kc; power, 1 kw night; 5 kw day; hours of operation unlimited time directional antenna day and night. Docket No. 6209; File No. B3-P-3170.

You are hereby notified that the Commission has re-examined the application in the above entitled proceedings and has designated the matter for hearing in consolidation with the applications of Rebel Broadcasting Company (File No. B-3-P-3755, Docket No. 6960); Capitol Broadcasting Company Incorporated (WRAL) (File No. B3-P-4100, Docket No. 6967); S. E. Adcock, tr/as Stuart Broadcasting Company (WROL) (File No. B3-P-3616, Docket No. 6963); Virginia Broadcasting Corporation (File No. B2-P-3964, Docket No. 6969); Wichita Broadcasters (KWFT) (File No. B3-P-4101, Docket No. 6970); Paul D. P. Spearman (File No. B3-P-4097, Docket No. 6965) on the following issues:

1. To determine the financial, technical and other qualifications of the applicant corporation and of its officers, directors and stockholders, to operate Station WDNC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDNC, as proposed, and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WDNC as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the equipment, installation and operation of Station WDNC, as proposed, would be in compliance with the Commission's rules, and standards of good engineering practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141, and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Durham Broadcasting Corporation, 138 East Chapel Hill Street, Durham, North Carolina.

Dated at Washington, D. C., November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 45-21851; Filed, Dec. 5, 1945; 12:29 p. m.]

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[Docket No. 6697]

ALTOONA BROADCASTING CO.

AMENDED NOTICE OF HEARING

In re application of Altoona Broadcasting Company, (New); date filed, July 29, 1944; for, construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Altoona, Pennsylvania; operating assignment specified: frequency, 1240 kc; power, 250 w; hours of operation, unlimited; Docket No. 6697; File No. B2-P-3670.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of Roy F. Thompson, tr/as Thompson Broadcasting Company (File No. B2-P-3703, Docket No. 6993), on the following amended issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be rendered.

4. To determine whether the proposed station would provide primary service,

as contemplated by the Standards of Good Engineering Practice, to: (a) the business district (b) the residential districts (c) the metropolitan district of Altoona.

5. To determine whether the operation of the proposed station would involve objectionable interference with Station WJEJ, Hagerstown, Maryland, and/or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

Dated at Washington, D. C., November 29, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21847; Filed, Dec. 5, 1945; 12:28 p. m.]

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[Docket No. 6698]

THOMPSON BROADCASTING CO.

AMENDED NOTICE OF HEARING

In re application of Roy F. Thompson, tr/as Thompson Broadcasting Company (New); date filed, September 22, 1944; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Altoona, Pennsylvania; operating assignment specified: frequency, 1240 kc; power, 250 w; hours of operation unlimited. Docket No. 6698; File No. B2-P-3703.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of Altoona Broadcasting Company (File No. B2-P-3670, Docket No. 6697) on the following amended issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed station would provide primary service, as contemplated by the Standards of Good Engineer Practice, to: (a) the business district (b) the residential districts (c) the metropolitan district of Altoona.

5. To determine whether the operation of the proposed station would involve objectionable interference with Station WJEJ, Hagerstown, Maryland, and/or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

Dated at Washington, D. C. November 29, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21850; Filed, Dec. 5, 1945; 12:28 p. m.]

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[Docket No. 6888]

CEDAR RAPIDS BROADCASTING CORP., INC.

NOTICE OF HEARING

In re application of Cedar Rapids Broadcasting Corporation, Inc. (New); date filed, September 11, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Cedar Rapids, Iowa; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited time. Docket No. 6888; File No. B4-P-3970.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the Radio Corporation of Cedar Rapids, Cedar Rapids, Iowa (File No. B4-P-4144; Docket No. 6889); George J. Volger and John R. Rider, d/b as Muscatine Broadcasting Company, Muscatine, Iowa (File No. B4-P-4145; Docket No. 6890) and Moline Dispatch Publishing Company, Moline, Illinois (File No. B4-P-4143; Docket No. 6891), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of the stations proposed by George J. Volger and John R. Rider d/b as Muscatine Broadcasting Company (File No. B4-P-4145; Docket No. 6890) and Moline Dispatch Publishing Company (File No. B4-P-4143; Docket No. 6891), as well as the areas and populations affected thereby, and the nature of other broadcast service available to these areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with service proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Cedar Rapids Broadcasting Corporation, Inc., Attention: Paul H. Huston, 112—12th Street, Cedar Rapids, Iowa.

Dated at Washington, D. C. November 27, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21856; Filed, Dec. 5, 1945; 12:29 p. m.]

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[Docket No. 6889]

RADIO CORP. OF CEDAR RAPIDS

NOTICE OF HEARING

In re application of Radio Corporation of Cedar Rapids (New); date filed, October 5, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Cedar Rapids, Iowa; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation unlimited time. Docket No. 6889; File No. B4-P-4144.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the Cedar Rapids Broadcasting Corporation, Inc., Cedar Rapids, Iowa (File No. B4-P-3970; Docket No. 6888), George J. Volger and John R. Rider d/b as Muscatine Broadcasting Company, Muscatine, Iowa (File No. B4-P-4145; Docket No. 6890) and Moline Dispatch Publishing Company, Moline, Illinois (File No. B4-P-4143; Docket No. 6891) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of the stations proposed by George J. Volger and John R. Rider d/b as Muscatine Broadcasting Company (File No. B4-P-4145; Docket No. 6890) and Moline Dispatch Publishing Company (File No. B4-P-4143; Docket No. 6891), as well as the areas and populations affected thereby, and the nature of other broadcast service available to these areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commissions rules of practice and procedure.

The applicant's address is as follows: Radio Corporation of Cedar Rapids, 1215 Merchants National Bank Building, Cedar Rapids, Iowa.

Dated at Washington, D. C. November 27, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21857; Filed, Dec. 5, 1945; 12:30 p. m.]

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[Docket No. 6890]

MUSCATINE BROADCASTING CO.

NOTICE OF HEARING

In re application of George J. Volger and John R. Rider d/b as Muscatine Broadcasting Company. (New) Date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Muscatine, Iowa; operating assignment specified: frequency, 1450 kc; power, 100 w; hours of operation unlimited time. Docket No. 6890; file No. B4-P-4145.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the Radio Corporation of Cedar Rapids, Iowa (File No. B4-P-4144) Docket No. 6889), Cedar Rapids Broadcasting Corporation, Inc., Cedar Rapids, Iowa (File No. B4-P-3970; Docket No. 6888) and Moline Dispatch Publishing Company, Moline, Illinois (File No. B4-P-4143; Docket No. 6891), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership, and its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of the stations proposed by the Radio Corporation of Cedar Rapids (File No. B4-P-4144; Docket No. 6889), Cedar Rapids Broadcasting Corporation (File No. B4-P-3970; Docket No. 6888), and Moline Dispatch Publishing Company (File No. B4-P-4143; Docket No. 6891), as well as the areas and populations affected thereby, and the nature of other broadcast service available to these areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: George J. Volger and John R. Rider, d/b as Muscatine Broadcasting Company,

3130 Deronda Drive, Hollywood 28, California.

Dated at Washington, D. C., November 27, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21858; Filed, Dec. 5, 1945; 12:30 p. m.]

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[Docket No. 6891]

MOLINE DISPATCH PUBLISHING CO.

NOTICE OF HEARING

In re application of Moline Dispatch Publishing Company (New); date filed, October 5, 1945; for, construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Moline, Illinois; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited; Docket No. 6891; File No. B4-P-4143.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of George J. Volger and John R. Rider d/b as Muscatine Broadcasting Company, Muscatine, Iowa (File No. B4-P-4145; Docket No. 6890), Radio Corporation of Cedar Rapids, Iowa (File No. B4-P-4144; Docket No. 6889), and Cedar Rapids Broadcasting Corporation, Inc., Cedar Rapids, Iowa (File No. B4-P-3970; Docket No. 6888), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WCBS, Springfield, Illinois, and with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of the stations proposed by George J. Volger and John R. Rider d/b as Muscatine Broadcasting Company (File No. B4-P-4145; Docket No. 6890), Radio Corporation of Cedar Rapids (File No. B4-P-4144; Docket No. 6889), and Cedar Rapids Broadcasting Corporation, Inc. (File No. B4-P-39708; Docket No. 6888), as well as the areas and populations affected thereby, and the nature of other broadcast service available to these areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard, must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Moline Dispatch Publishing Company, Attention: August Sundine, 1720 Fifth Avenue, Moline, Illinois.

Dated at Washington, D. C., November 27, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21859; Filed, Dec. 5, 1945; 12:30 p. m.]

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[Docket No. 6965]

PAUL D. P. SPEARMAN

NOTICE OF HEARING

In re application of Paul D. P. Spearman (New); date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Jackson, Mississippi; operating assignment specified: frequency, 620 kc; power, 1 kw night D. A.; 5 kw day; hours of operation unlimited time; Docket No. 6965; File No. B3-P-4097.

You are hereby notified that the Commission has examined the application in the above-entitled proceeding and has designated the matter for hearing in consolidation with the applications of Rebel Broadcasting Company, (File No. B3-P-3755, Docket No. 6966); Capitol Broadcasting Company, Incorporated (WRAL) (File No. B3-P-4100, Docket No. 6967); S. E. Adcock, tr/as Stuart Broadcasting Company (WROL) (File No. B3-P-3616, Docket No. 6968); Virginia Broadcasting Corporation (File No. B2-P-3964, Docket No. 6969), Wichita Broadcasters (KWFT) (File No. B3-P-4101, Docket No. 6970); Durham Radio Corporation (WDNC) (File No. B3-P-3170, Docket No. 6209) on the following issues;

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Paul D. P. Spearman, 1022 Munsey Building, Washington 4, D. C.

Dated at Washington, D. C., November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21848; Filed, Dec. 5, 1945; 12:28 p. m.]

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[Docket No. 6703]

WREN BROADCASTING CO.

NOTICE OF HEARING

In re application of The WREN Broadcasting Company, (WREN) date filed,

May 24, 1944; for construction permit to move transmitter and studio to Topeka, Kansas, increase night power from 1 kw to 5 kw and install directional antenna; class of service, broadcast; class of station, broadcast; location, Lawrence, Kansas; operating assignment specified: frequency, 1250 kc; power, 5 kw night, 5 kw day; hours of operation, share with KFKU; DA-night & day. Docket No. 6703; file No. B4-P-3625.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Northern Broadcasting Company, Inc. (File No. B4-P-3656, Docket No. 6794), Midwest Broadcasting Company (File No. B4-P-3746, Docket No. 6795), Farnsworth Television and Radio Corporation (File No. B4-P-4112, Docket No. 6796), and the Virginia-Carolina Broadcasting Corporation (File No. B2-P-4113, Docket No. 6797), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate Station WREN as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WREN, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the extent of any interference which would result from the proposed operation of Station WREN and from the operation of Station WSAU, Wausau, Wisconsin, as proposed in the application of Northern Broadcasting Company, Inc. (File No. B4-P-3656, Docket No. 6794), as well as the areas and populations affected thereby, and what other broadcast service is available to such areas and populations.

6. To determine whether the proposed operation of Station WREN would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of Station WREN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the applicant's proposal to remove its studio and transmitter to Topeka, Kansas, would deprive Station KFKU, Lawrence, Kansas, of equipment needed to continue the operation of that station in the public interest.

9. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

10. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: WREN Broadcasting Co., Radio Station WREN, WREN Bldg., 8th & Vermont Sts., Lawrence, Kansas.

Dated at Washington, D. C., November 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21852; Filed, Dec. 5, 1945; 12:29 p. m.]

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[Docket No. 6794]

NORTHERN BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of Northern Broadcasting Company, Inc., (WSAU); for construction permit, to change frequency, increase power, etc.; class of service, broadcast; class of station, broadcast; location, Wausau, Wisconsin; operating assignment specified: frequency, 1250 kc; power, 5 kw; hours of operation; unlimited, DA-night; Docket No. 6794; File No. B4-P-3656.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of the WREN Broadcasting Company (WREN) (File No. B4-P-3625; Docket No. 6703), Midwest Broadcasting Company (File No. B4-P-3746; Docket No. 6795), Farnsworth Television and Radio Corporation (WGL) (File No. B4-P-4112; Docket No. 6796), and the Virginia-Carolina Broadcasting Corporation (File No. B2-P-4113; Docket No. 6797), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the Station WSAU, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSAU and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine the nature and extent of any interference which would result from the simultaneous operation of Station WSAU as proposed herein (1) with the present operation of Station WREN, Lawrence, Kansas, and (2) with the operation of Station WREN as proposed in its pending application (Docket No. 6703).

5. To determine whether the operation of Station WSAU as proposed would involve objectionable interference with any other existing broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Northern Broadcasting Co. Inc., Radio Station WSAU, 125 Third Street, Wausau, Wisconsin.

Dated at Washington, D. C., November 26, 1945.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21853; Filed, Dec. 5, 1945; 12:29 p. m.]

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[Docket No. 6795]

MIDWEST BROADCASTING CO.

NOTICE OF HEARING

In re application of Midwest Broadcasting Co. (New); date filed, October 27, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Milwaukee, Wiscon-

sin; operating assignment specified: frequency, 1250 kc; power, 5 kw; hours of operation unlimited; directional antenna. Docket No. 6795; File No. B4-P-3746.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of the WREN Broadcasting Company (File No. B4-P-3625, Docket No. 6703), The Northern Broadcasting Company, Inc. (File No. B4-P-3656, Docket No. 6794), Farnsworth Television and Radio Corporation (File No. B4-P-4112, Docket No. 6796), and the Virginia-Carolina Broadcasting Corporation (File No. B2-P-4113, Docket No. 6797), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Midwest Broadcasting Co., Attention: Mr. G. E. Inghram, 800 Brumder Building, Milwaukee 3, Wisconsin.

Dated at Washington, D. C., November 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21854; Filed, Dec. 5, 1945; 12:29 p. m.]

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[Docket No. 6796]

FARNSWORTH TELEVISION AND RADIO CORP.

NOTICE OF HEARING

In re application of Farnsworth Television and Radio Corporation (WGL): date filed, October 5, 1945; for construction permit to change frequency, increase power, etc.; class of service, standard broadcast; class of station, standard broadcast; location, Fort Wayne, Indiana; operating assignment specified: frequency, 1250 kc; power, 1 kw; hours of operation, unlimited; directional antenna. Docket No. 6796; File No. B4-P-4112.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the WREN Broadcasting Company (File No. B4-P-3625, Docket No. 6703), Midwest Broadcasting Company (File No. B4-P-3746, Docket No. 6795), The Northern Broadcasting Company, Inc. (File No. B4-P-3656, Docket No. 6794), and the Virginia-Carolina Broadcasting Corporation (File No. B2-P-4113, Docket No. 6797) on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate Station WGL as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the proposed operation of Station WGL and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WGL would involve objectionable interference with any existing broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operation of Station WGL would involve objectionable interference with the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WGL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Farnsworth Television & Radio Corp., Radio Station WGL, 3700 East Pontiac Street, Fort Wayne, Indiana.

Dated at Washington, D. C., November 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary,*

[F. R. Doc. 45-21855; Filed, Dec. 5, 1945; 12:29 p. m.]

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[Docket No. 6797]

VIRGINIA-CAROLINA BROADCASTING CORP.

NOTICE OF HEARING

In re application of Virginia-Carolina Broadcasting Corporation (New), date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Danville, Virginia; operating assignment specified: frequency, 1250 kc; power, 1 kw night, 5 kw day; hours of operation unlimited; D-A night; Docket No. 6797; File No. B2-P-4113.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of the WREN Broadcasting Company (File No. B4-P-3625, Docket No. 6703), Midwest Broadcasting Company (File No. B4-P-3746, Docket No. 6795), Farnsworth Television and Radio Corporation (File No. B4-P-4112, Docket No. 6796), and the Northern Broadcasting Company, Inc. (File No. B4-P-3656, Docket No. 6794), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be

rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending application for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Virginia-Carolina Broadcasting Corporation, Room 516 Masonic Temple, Main and Union Sts., Danville, Virginia.

Dated at Washington, D. C., November 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21844; Filed, Dec. 5, 1945; 12:27 p. m.]

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[Docket No. 6966]

REBEL BROADCASTING CO.

NOTICE OF HEARING

In re application of Charles H. Russell, W. B. McCarty, T. E. Wright and C. A. Lacy, a Limited Partnership, d/b as Rebel Broadcasting Company (New); date filed, October 26, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Jackson, Mississippi; operating assignment specified: frequency, 620 kc; power, 1 kw night direct, antenna, 5 kw day; hours of operation, unlimited time. Docket No. 6966; File No. B3-P-3755.

You are hereby notified that the Commission has examined the application in the above entitled proceeding and has designated the matter for hearing in consolidation with the applications of Paul D. P. Spearman, (File No. B3-P-4097, Docket No. 6965); Capitol Broadcasting Company, Incorporated (WRAL) (File No. B3-P-4100, Docket No. 6967); S. E. Adcock, tr/as Stuart Broadcasting Company (WROL) (File No. B3-P-3616, Docket No. 6968); Virginia Broadcasting Corporation (File No. B2-P-3964, Docket No. 6969); Wichita Broadcasters (KWFT) (File No. B3-P-4101, Docket No. 6970); Durham Radio Corporation (WDNC) (File No. B3-P-3170, Docket No. 6209) on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations .

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commissions rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicants address is as follows: Rebel Broadcasting Company, Attention: Charles A. Lacy, 1715 Laurel Street, Jackson, Miss.

Dated at Washington, D. C. November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21845; Filed, Dec. 5, 1945; 12:23 p. m.]

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[Docket No. 6967]

CAPITOL BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of Capitol Broadcasting Company, Incorporated (WRAL), for construction permit to change frequency, increase power, etc.; class of service, standard broadcast; class of station, standard broadcast; location, Raleigh, North Carolina; operating assignment specified: frequency, 620 kc; power, 1 kw night, 5 kw day, direct. antenna; hours of operation unlimited time. Docket No. 6967; File No. B3-P-4100.

You are hereby notified that the Commission has examined the application in the above entitled proceeding and has designated the matter for hearing in consolidation with the applications of Rebel Broadcasting Company (File No. B3-P-3755, Docket No. 6966); Paul D. P. Spearman (File No. B3-p-4097, Docket No. 6965); S. E. Adcock, tr/as Stuart Broadcasting Company (WROL) (File No. B3-P-3616, Docket No. 6968); Virginia Broadcasting Corporation (File No. B2-P-3964, Docket No. 6969); Wichita Broadcasters (KWFT) File No. B3-P-4101, Docket No. 6970); Durham Radio Corporation (WDNC) (File No. B3-P-3170, Docket No. 6209) on the following issues:

1. To determine the financial, technical and other qualifications of the applicant corporation, and of its officers, directors and stockholders to operate Station WRAL as proposed;

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WRAL, as proposed, and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WRAL, as proposed, would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending application for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations

6. To determine whether the installation and operation of Station WRAL, as

proposed, would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding, should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commissions rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Capitol Broadcasting Company, Inc., 130 South Salisbury St., Raleigh, North Carolina.

Dated at Washington, D. C. November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21843; Filed, Dec. 5, 1945; 12:27 p. m.]

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[Docket No. 6969]

VIRGINIA BROADCASTING CORP.

NOTICE OF HEARING

In re aplication of Virginia Broadcasting Corporation (New), date filed, September 11, 1945; for construction permit; class of service, broadcast; class of station, standard broadcast; location, Roanoke, Virginia; operating assignment specified: frequency, 620 kc; power, 1 kw direct. antenna; hours of operation, unlimited time. Dock No. 6969, File No. B2-P-3964.

You are hereby notified that the Commission has examined the application in the above-entitled proceeding and has designated the matter for hearing in consolidation with the applications of Rebel Broadcasting Company (File No. B3-P-3755, Docket No. 6966); Capitol Broadcasting Company, Incorporated (WRAL) File No. B3-P-4100, Docket No. 6967); S. E. Adcock, tr/as Stuart Broadcasting Company (WROL) (File No. B3-P-3616, Docket No. 6968); Paul D. P. Spearman (File No. B3-P-4097, Docket No. 6965); Wichita Broadcasters (KWFT) (File No. B3-P-4101, Docket No. 6970); Durham Radio Corporation (WDNC) File No. B3-P-3170, Docket No. 6209) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, its stockholders, officers and directors to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceedings should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Virginia Broadcasting Corporation, 416 South Jefferson Street, Roanoke, Virginia.

Dated at Washington, D. C., November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21842; Filed, Dec. 5, 1945; 12:27 p. m.]

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[Docket No. 6970]

WICHITA BROADCASTERS

NOTICE OF HEARING

In re application of, Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr. (KWFT) date filed, October 5, 1945; for construction permit to increase power, etc.; class of service, standard broadcast; class of station, standard broadcast; operating assignment specified: frequency, 620 kc; power, 5 kw night direct. antenna, 5 kw day; hours of operation: unlimited time. Docket No. 6970; File No. B3-P-4101.

You are hereby notified that the Commission has examined the application in the above-entitled proceeding and has designated the matter for hearing in consolidation with the applications of Rebel Broadcasting Company, (File No. B3-P-3755, Docket No. 6966), Paul D. P. Spearman (File No. B3-P-4097, Docket No. 6965), S. E. Adcock, tr. as Stuart Broadcasting Company (WROL) (File No. B3-P-3616, Docket No. 6968), Virginia Broadcasting Corporation (File No. B2-P-3964, Docket No. 6969), Capitol Broadcasting Company, Incorporated (WRAL) (File No. B3-P-4100, Docket No. 6967), Durham Radio Corporation (WDNC) (File No. B3-P-3170, Docket No. 6209) on the following issues:

1. To determine the financial, technical and other qualifications of the applicant partnership; and of its members, to operate Station KWFT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KWFT, as proposed, and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KWFT, as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KWFT, as proposed, would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commissions rules of practice and procedure.

The applicant's address is as follows: Wichita Broadcasters (a partnership), Kemp Hotel, Wichita Falls, Texas.

Dated at Washington, D. C., November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21849; Filed, Dec. 5, 1945; 12:28 p. m.]

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[Docket No. 6988]

AERONAUTICAL RADIO, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of: applications of Aeronautical Radio, Inc., for new aeronautical radio facilities at New York, N. Y. Docket No. 6988; File Nos. T1-LHK-318 T1-MLK-1326.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on Wednesday, November 21, 1945,

The Commission having under consideration the aplications of Aeronautical Radio, Inc. for a license for a new aeronautical fixed radio station (File No. T1-LHK-318) and for modification of the existing license of aeronautical radio station WTWA at New York, N. Y. (File No. T1-MLK-1326) to provide necessary communication service for aircraft flying the Europe-North America route; and

It appearing, that these applications present various questions regarding the most desirable method of operating the aeronautical radio facilities serving aircraft flying international routes and the most efficient use of the radio frequencies available for that purpose;

*It is ordered,* That the above-entitled applications be, and they are hereby, designated for hearing, to determine with respect to each application the following issues:

(1) Whether the international aeronautical radio facilities now provided by the Civil Aeronautics Administration at New York are adequate with respect to frequencies, power, types of emission and other technical characteristics to meet the requirements of the communications service proposed to be furnished by the applicant;

(2) Whether the nature and quality of the service now provided with the aeronautical radio facilities of the Civil Aeronautics Administration are adequate to meet the operational requirements of the communications service proposed to be furnished by the applicant;

(3) Whether, in the event that an inadequacy is determined to exist with respect to either of the foregoing issues, the operation of international aeronautical radio facilities in part by the Civil Aeronautics Administration and in part by the applicant is desirable and permits the most economical use of the frequencies employed by both for such purposes;

(4) Whether assignment of the frequencies requested, or any of them, would occasion undesirable interference to the service of other radio stations;

(5) Whether the assignment of the frequencies requested, or any of them, would conflict with the provisions of the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention, Madrid, 1932;

(6) Whether the frequencies presently available under § 9.73 (i) (3) of the Commission's rules and regulations for use by aeronautical radio stations serving aircraft flying the Europe-North America route are adequate for such service;

(7) Whether the applications are in accordance with the Commission's rules and regulations; and

(8) Whether, in the event that it is determined that the aplications are not in accordance with the Commission's rules and regulations, a waiver of such rules and regulations should be made.

*It is further ordered,* That a copy of this order shall be served upon Transcontinental and Western Air, Inc., Pan American Airways, Inc., American Overseas Airlines, Inc., Civil Aeronautics Administration, Civil Aeronautics Board, and the War, Navy and State Departments; and

*It is further ordered,* That the above-named persons and governmental agencies be, and they are hereby, given leave to participate fully in any hearings that may be held herein, by filing a notice of appearance;

*It is further ordered,* That any other person desiring to intervene herein shall petition therefor pursuant to § 1.102 of the Commission's rules and regulations; and

*It is further ordered,* That, upon the filing of a notice of appearance herein by the applicant on or before December 8, 1945, the hearing on the foregoing applications shall commence at 10:30 a. m. on January 7, 1946 at the offices of the Commission, Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21863; Filed, Dec. 5, 1945; 12:31 p. m.]

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[Docket No. 7007]

WESTERN UNION TELEGRAPH CO. ET AL.

ORDER DIRECTING THAT A HEARING BE HELD AND SETTING HEARING DATE

Boston Chamber of Commerce et al., complainants, v., The Western Union Telegraph Company et al., defendants; Docket No. 7007.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of November, 1945:

The Commission, having under consideration a complaint filed by the Boston Chamber of Commerce, First National Bank of Boston, and seven commercial and manufacturing companies in the New England Area against The Western Union Telegraph Company, R. C. A. Communications, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company with respect to telegraph rates between the New England Area and foreign points; and having also under consideration answers to the above complaint filed on November 14 and 15, 1945, by defendant telegraph carriers;

*It is ordered,* That a hearing be, and the same is hereby directed to be held with respect to the above complaint, beginning at 10:00 a. m. on the 4th day of February, 1946, at the offices of the Federal Communications Commission in Washington, D. C.;

*It is further ordered,* That Commissioners Wakefield, Walker, and Durr (composing the Commission's Telegraph Rate Committee), or any of them, be, and they are hereby authorized to conduct the proceedings herein, and to submit appropriate reports thereon.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-21864; Filed, Dec. 5, 1945; 12:31 p. m.]

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[Docket Nos. 6939, 6924, 6930, 6931, 6932, 6933, 6934, 6935, 6936, 6937, 6938]

E. ANTHONY SONS, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. Anthony and Sons, Inc., Boston, Massachusetts, for construction permit, Docket No. 6939, File No. B1-PH-290; Columbia Broadcasting System, Boston, Massachusetts, for construction permit, Docket No. 6924, File No. B1-PH-79; Fidelity Broadcasting Corporation, Boston, Massachusetts, for construction permit, Docket No. 6930, File No. B1-PH-311; Matheson Radio Company, Inc., Boston, Massachusetts, for construction permit, Docket No. 6991, File No. B1-PH-142; The Northern Corporation, Boston, Massachusetts, for construction permit, Docket No. 6992, File No. B1-PH-668; The Yankee Network, Inc., Boston, Massachusetts, for construction permit, Docket No. 6993, File No. B1-PH-590; Unity Broadcasting Corporation of Massachusetts, Boston, Massachusetts, for construction permit, Docket No. 6994, File No. B1-PH-687; Templeton Radio Manufacturing Corp., Boston, Massachusetts, for construction permit, Docket No. 6995, File No. B1-PH-689; Massachusetts Broadcasting Co., Boston, Massachusetts, for construction permit, Docket No. 6996, File No. B1-PH-635; Harvey Radio Laboratories, Inc., Cambridge, Massachusetts, for construction permit, Docket No. 6997, File No. B1-PH-628; Raytheon Manufacturing Company, Waltham, Massachusetts, for construction permit, Docket No. 6998, File No. B1-PH-367.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1945;

The Commission having under consideration the above-entitled applications for construction permit for new metropolitan FM broadcast stations in the Boston, Massachusetts, metropolitan area; and

Whereas, the Commission in its report of October 26, 1945, indicated that a possible maximum of ten metropolitan channels might be available in the vi-

cinity of Boston, one of which has been assigned to an existing FM licensee;

*It is ordered,* That the above-entitled applications be designed for consolidated hearing upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 45-21841; Filed, Dec. 5, 1945; 12:27 p. m.]

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[Docket No. 6968]

STUART BROADCASTING CO.

NOTICE OF HEARING

In re application of S. E. Adcock, tr/as Stuart Broadcasting Company (WROL); date filed, May 12, 1944; for construction permit to increase power, etc.; class of service, broadcast; class of station, broadcast; location, Knoxville, Tennessee; operating assignment specified: frequency, 620 kc; power, 5 kw direc. antenna; hours of operation, unlimited time. Docket No. 6968; File No. B3-P-3616.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Rebel Broadcasting Company, (File No. B3-P-3755, Docket No. 6966); Paul D. P. Spearman (File No. B3-P-4097, Docket No. 6965); Capitol Broadcasting Company, Incorporated, (WRAL) (File No. B3-P-4100, Docket No. 6967), Virginia Broadcasting Corporation, (File No. B2-P-3964, Docket No. 6969); Wichita Broadcasters (KWFT) (File No. B3-P-4101, Docket No. 6970), Durham Radio Corporation (WDNC) (File No. B3-P-3170, Docket No. 6209) on the following issues:

1. To determine the financial, technical, and other qualifications of the applicant partnership and of its members, to operate Station WROL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WROL, as proposed, and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WROL, as proposed, would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the equipment, installation and operation of Station WROL, as proposed, would be in compliance with the Commission's rules, and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: S. E. Adcock, tr/as Stuart Broadcasting Company, 531 S. Gay Street, Knoxville, Tennessee.

Dated at Washington, D. C., November 30, 1945.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 45-21846; Filed, Dec. 5, 1945; 12:28 p. m.]

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## INTERSTATE COMMERCE COMMISSION.

[S. O. 368, Amended Gen. Permit 1]

UNLOADING OF FREIGHT CARS IN NEW YORK HARBOR

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 368 (10 F.R. 14030), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 368 insofar as it applies in New York harbor to:

1. Cars containing freight, (such as chemicals, explosives, etc.) which due to its nature cannot be unloaded on the piers because of port security regulations;

2. Cars containing freight which the railroad definitely knows will be delivered by car float or by connecting rail line to vessel within 5 days of the date such cars become 10-day cars;

3. Cars containing freight which are covered by orders for delivery to vessels within 5 days of the date such cars become 10-day cars.

This general permit shall become effective at 5:00 p. m., November 30, 1945 and shall expire at 11:59 p. m. December 15, 1945.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of November 1945.

V. C. CLINGER,
*Director,*
*Bureau of Service.*

[F. R. Doc. 45-21911; Filed, Dec. 6, 1945; 11:29 a. m.]

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[S. O. 368, Cancellation of Special Permit 4]

UNLOADING OF BOX CARS BY RAILROADS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 368 of November 9, 1945, (10 F.R. 14030),

Special Permit No. 4 under Service Order No. 368 is hereby revoked and canceled, effective at 12:01 a. m., December 1, 1945.

A copy of this revocation has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this revocation shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of November, 1945.

V. C. CLINGER,
*Director,*
*Bureau of Service.*

[F. R. Doc. 45-21912; Filed, Dec. 6, 1945; 11:29 a. m.]

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[S. O. 391]

EMBARGO OF LESS CARLOAD FREIGHT AT OMAHA, NEBR., AREA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of December, A. D. 1945.

It appearing, that a strike of truck lines is causing congestion of freight houses of rail carriers serving Omaha, South Omaha, Nebraska and Council Bluffs, Iowa, and that the said rail carriers are unable to accept the less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those three points to avoid congestion of traf-

fic, and to best promote the service in the interest of the public and the commerce of the people; it is ordered, that:

*Embargo of less carload freight at Omaha, South Omaha and Council Bluffs.* (a) No common carrier by railroad subject to the Interstate Commerce Act, serving, Omaha, South Omaha, Nebraska or Council Bluffs, Iowa, shall accept any outbound less-than-carload shipment of freight at those points, except such freight loaded by shipper which does not require handling through railroad freight houses.

(b) *Effective date.* This order shall become effective at 12:01 a m., December 5th, 1945.

(c) *Expiration date.* This order shall expire at 12:01 a. m., December 10th, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-21910; Filed, Dec. 6, 1945; 11:29 a. m.]

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[S. O. 392]

EMBARGO OF LESS CARLOAD FREIGHT AT KANSAS CITY, MO.-KANS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of December, A. D. 1945.

It appearing, that a strike of truck lines is causing congestion of freight houses of rail carriers serving Kansas City, Mo.-Kansas and that the said rail carriers are unable to accept certain less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those points to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people; it is ordered, that:

*Embargo of less carload freight at Kansas City.* (a) No common carrier by railroad subject to the Interstate Commerce Act serving, Kansas City, Missouri-Kansas, shall accept on any Monday or Wednesday any outbound less-than-carload shipment of freight at those points, except perishables.

(b) *Effective date.* This order shall become effective at 12:01 a. m., December 5, 1945.

(c) *Expiration date.* This order shall expire at 12:01 a. m., January 4th, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-21913; Filed, Dec. 6, 1945; 11:29 a. m.]

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## OFFICE OF ALIEN PROPERTY CUSTODIAN

[Vesting Order 5357]

NICK HARISH

In re: Estate of Nick Harish, also known as Nikola Z. Harish, deceased; file D-69-142; E. T. Sec. 7032.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Pellich in and to the estate of Nick Harich, also known as Nikola Z. Harish, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

*National and last known address*

Anna Pellich, Rumania.

That such property is in the process of administration by Alexander Erdelyan, 1474 Frederick Street, Detroit 11, Michigan, as Executor of the estate of Nick Harish, also known as Nikola Z. Harish, deceased, acting under the judicial supervision of the Probate Court for the County of Wayne, Michigan;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 45-21765; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5353]

FERDINAND B. HAUCK

In re: Trust under the will of Ferdinand B. Hauck, deceased; File D-28-9650; E. T. sec. 13404.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: The sum of $1,343.89 in the possession and custody of H. Sam Priest, Clerk of Circuit Court of the City of St. Louis, Missouri, deposited in his office on March 17, 1944, pursuant to order of said Court entered on the same day, in the matter of the Trust under the Will of Ferdinand B. Hauck, deceased (Case Number 212659-B, Division Number 2), subject, however, to any lawful fees or disbursements of the Clerk of the Circuit Court of the City of St. Louis, Missouri,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Frieda Schaefer, Germany.
Rudolph Hauck, Germany.
Legal Heirs (names unknown) of Frieda Schaefer, Germany.
Legal Heirs (names unknown) of Rudolph Hauck, Germany.

That such property is in the process of administration by H. Sam Priest, Clerk of Circuit Court of the City of St. Louis, Missouri, as Depositary, acting under the judicial supervision of the Circuit Court of the City of St. Louis, Missouri;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to

be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45–21786; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5359]

SIEGFRIED KARGER ET AL.

In re: Siegfried Karger, plaintiff, v. Siegfried Karger, executor, etc., et al., defendants; File D–28–7432; E. T. sec. 7567.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: The sum of $13,957.53 in cash in the possession and custody of the Master in Chancery of the Circuit Court of LaSalle County, Ottawa, Illinois, for the benefit of Lotte Karger, also known as Lotta Karger, and Frau Irmagarde von Somogyi, also known as Frau Gyula von Somogyi, pursuant to order entered by said court on March 28, 1944, in the matter of Siegfried Karger, plaintiff, v. Siegfried Karger, executor, etc., et al., defendants (Case No. 43402, In Chancery),

is property payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

*Nationals and Last Known Address*

Lotte Karger, also known as Lotta Karger, Germany.

Frau Irmagarde von Somogyi, also known as Frau Gyula von Somogyi, Hungary.

That such property is in the process of administration by W. J. Aplington, Master in Chancery, 302 Court House, Ottawa, Illinois, as Depositary, acting under the judicial supervision of the Circuit Court of LaSalle County, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, (Germany and Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45–21787; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5360]

CHARLES KATONA

In re: Estate of Charles Katona, deceased; File D–34–663; E. T. sec. 7897.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Laszlo Katona, Antal Katona, Michael Katona, and Elizabeth Katona, and each of them, in and to the estate of Charles Katona, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

*Nationals and Last Known Address*

Laszlo Katona, Hungary.
Antal Katona, Hungary.
Michael Katona, Hungary.
Elizabeth Katona, Hungary.

That such property is in the process of administration by Hon. Walter R. Mybeck, clerk, Lake Superior Court, room No. 2, 3701 Grand Boulevard, East Chicago, Ind., as depositary of the estate of Charles Katona, deceased, acting under the judicial supervision of the Lake Superior Court of Lake County, Indiana;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45–21788; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5361]

GUS KNOEBEL

In re: Estate of Gus Knoebel, deceased; File D–6–145; E. T. sec. 7063.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Freda (Frieda) Knoebel in and to the Estate of Gus Knoebel, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

*National and Last Known Address*

Freda (Frieda) Knoebel, Rumania.

That such property is in the process of administration by Harry B. Cohen, 737

Omaha National Bank Building, Omaha, Nebraska, as Executor of the Estate of Gus Knoebel, Deceased, acting under the judicial supervision of the County Court of Merrick County, Central City, Nebraska;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21789; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5362]

KATE KRAMPERT

In re: Estate of Kate Krampert, deceased; File D–28–9656; E. T. sec. 13443.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Philipina (Philipine) Zanger (Zahner or Zanker), Elise Meisener, Fritz Lehr, Richard Lehr, Herman Lehr, Karl Lehr, Willi Lehr, Heinrich Klein, Elisabete Klein, and Paula Klein, and each of them, in and to the estate of Kate Krampert, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Philipina (Philipine) Zanger (Zahner or Zanker), Germany.
Elise Meisener, Germany.
Fritz Lehr, Germany.
Richard Lehr, Germany.
Herman Lehr, Germany.
Karl Lehr, Germany.
Willi Lehr, Germany.
Heinrich Klein, Germany.
Elisabete Klein, Germany.
Paula Klein, Germany.

That such property is in the process of administration by Walter Steber, 322 South Sixth Street, Louisville, Kentucky, as Executor of the estate of Kate Krampert, deceased, acting under the judicial supervision of the County Court of Jefferson County, Kentucky;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country", as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21790; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5363]

ANDY KULCSAR

In re: Estate of Andy Kulcsar (Kulscar), deceased; File D–34–379; E. T. sec. 6093.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Terez Oras Kulcsar, Mary Balog and Terez Szerecsen, and each of them, in and to the estate of Andy Kulcsar (Kulcsar), deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

*Nationals and Last Known Address*

Terez Oras Kulcsar, Hungary.
Mary Balog, Hungary.
Terez Szerecsen, Hungary.

That such property is in the process of administration by Joel H. Ward, 855 East 222d Street, Euclid, Ohio, as Administrator of the estate of Andy Kulcsar (Kulcsar), deceased, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21791; Filed, Dec. 5, 1945; 10:44 a. m.]

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[Vesting Order 5364]

WILLIAM LINSKI

In re: Estate of William Linski, deceased; File D–57–403; E. T. sec. 13879.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mary Linski in and to the estate of William Linski, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

*National and Last Known Address*

Mary Linski, Rumania.

That such property is in the process of administration by Andrew Katrin, 513 Ninth Street, International Falls, Minnesota, as Administrator of the estate of William Linski, deceased, acting under the judicial supervision of the Probate Court for the County of Koochiching, Minnesota;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21792; Filed, Dec. 5, 1945; 10:45 a. m.]

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[Vesting Order 5365]

PETER J. H. MEYER

In re: Estate of Peter J. H. Meyer, deceased; File D-28-9092; E. T. sec. 11679.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Henry Meyer and Johannes Meyer, and each of them, in and to the estate of Peter J. H. Meyer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Henry Meyer, Germany.
Johannes Meyer, Germany.

That such property is in the process of administration by David Greenwald, Battle Creek, Iowa, as Administrator of the Estate of Peter J. H. Meyer, Deceased, acting under the judicial supervision of the District Court of Iowa in and for Ida County;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21793; Filed, Dec. 5, 1945; 10:45 a. m.]

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[Vesting Order 5366]

JOHN ADAM MEYER

In re: Estate of John Adam Meyer, deceased; File No. 017-2888.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right title, interest, and claim of any kind or character whatsoever of the Children, names unknown, of the deceased brother and of the deceased sisters of John Adam Meyer, deceased, and each of them, in and to the estate of John Adam Meyer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Children, names unknown, of the deceased brother and of the deceased sisters of John Adam Meyer, deceased, Germany.

That such property is in the process of administration by Martin W. Hemmeter, 126 South Mason Street, Saginaw, Michigan, as Administrator with the will annexed of the estate of John Adam Meyer, deceased, acting under the judicial supervision of the Probate Court for the County of Saginaw, Michigan;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21794; Filed, Dec. 5, 1945; 10:45 a. m.]

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[Vesting Order 5367]

VINZENZ MUELLER

In re: Estate of Vinzenz Mueller, deceased; File D-28-2330; E. T. sec. 3168.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Joseph Mueller, Marie Breinlinger and descendant or descendants, names unknown, of Marie Breinlinger, and each of them, in and to the estate of Vinzenz Mueller, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Mrs. Joseph Mueller, Germany.
Marie Breinlinger, Germany.
Descendant or descendants, names unknown, of Marie Breinlinger, Germany.

That such property is in the process of administration by Harris Trust and Savings Bank, 115 West Monroe Street, Chicago, Illinois, Marie Mueller Wallerich, 814 Monroe Avenue, River Forest, Illinois and George Will Wallerich, 814 Monroe Avenue, River Forest, Illinois, as Co-executors of the estate of Vinzenz Mueller, deceased, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21795; Filed, Dec. 5, 1945; 10:45 a. m.]

No. 239——5

[Vesting Order 5363]

ELISE OEHMIG

In re: Estate of Elise Oehmig, deceased; File D–28–9835; E. T. sec. 13863.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Doris Faerber, Alfred Oehmig, Margarethe Becher, William Oehmig and Mrs. Johanne Hellmann, and each of them, in and to the estate of Elise Oehmig, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Mrs. Doris Faerber, Germany.
Alfred Oehmig, Germany.
Margarethe Becher, Germany.
William Oehmig, Germany.
Mrs. Johanne Hellmann, Germany.

That such property is in the process of administration by Mr. Clifford A. John, 1470 Wellesley Drive, Mount Clemens, Michigan, as Administrator w. w/a of the estate of Elise Oehmig, deceased, acting under the judicial supervision of the Probate Court for the County of Macomb, Michigan;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-21796; Filed, Dec. 5, 1945; 10:45 a. m.]

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[Vesting Order 5363]

MARGARETHA PETERS

In re: Estate of Margaretha Peters, deceased; File D–28–2342; E. T. sec. 3391.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest, and claim of any kind or character whatsoever of Conrad Schultz, Gunter Schultz, Bertha Schultz, Marie Schultz, Mrs. Martha Oest, Mrs. Emma Drewes, Mrs. Dora Rohde and Marie Rohde, and each of them, and the issue of each of them, names unknown, in and to the estate of Margaretha Peters, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Conrad Schultz, Germany.
Gunter Schultz, Germany.
Bertha Schultz, Germany.
Marie Schultz, Germany.
Mrs. Martha Oest, Germany.
Mrs. Emma Drewes, Germany.
Mrs. Dora Rohde, Germany.
Marie Rohde, Germany.
Issue, names unknown, of Conrad Schultz, Gunter Schultz, Bertha Schultz, Marie Schultz, Mrs. Martha Oest, Mrs. Emma Drewes, Mrs. Dora Rohde and Marie Rohde, Germany.

That such property is in the process of administration by W. G. Sievers, Remsen, Iowa, as executor of the estate of Margaretha Peters, deceased, acting under the judicial supervision of the District Court of Iowa in and for Plymouth County;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45–21797; Filed, Dec. 5, 1945; 10:45 a. m.]

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[Vesting Order 5370]

RUFFING ET AL.

In re: Ruffing et al vs. McKune et al. File D–28–1472 (a); E. T. sec. 571.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Joseph Klusserath and Michel Lehnert, and each of them, in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Ruffing et al. vs. McKune et al., No. 9208" in the Carroll Circuit Court, State of Indiana,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Joseph Klusserath, Germany.
Michel Lehnert, Germany.

That such property is in the process of administration by Charles L. Bell, Clerk of the Carroll Circuit Court, Delphi, Indiana, as depositary in a partition suit entitled: "Ruffing et al. vs. McKune et al., No. 9208", acting under the judicial supervision of the Carroll Circuit Court, State of Indiana;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45–21798; Filed, Dec. 5, 1945; 10:45 a. m.]

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[Vesting Order 5371]

HENRY SCHOELLKOPF, JR.

In re: Estate of Henry Schoellkopf, Jr., deceased; File D–66–1661; E. T. sec. 10198.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Christlicher Verein Junger Manner of Goeppingen, Wurttemberg, Germany, in and to the estate of Henry Schoellkopf, Jr., deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Christlicher Verein Junger Manner, of Goeppingen, Wurttemberg, Germany.

That such property is in the process of administration by Fred W. Klaber, Court House, 12th and Oak Streets, Kansas City, Missouri, as Administrator with the will annexed of the estate of Henry Schoellkopf, Jr., deceased, acting under the judicial supervision of the Probate Court of Jackson County, Missouri, at Kansas City;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1945.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45–21799; Filed, Dec. 5, 1945; 10:45 a. m.]

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## OFFICE OF PRICE ADMINISTRATION.

[MPR 591, Order 155]

FORREST MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net price, f. o. b. point of shipment, for sales by any person, to plumbing and heating contractors, installers and commercial and industrial users of the following swing spout faucet manufactured by the Forrest Manufacturing Company of San Gabriel, California, and described in its application dated November 2, 1945, shall be:

| | |
|---|---|
| Polished chromium plated brass swing spout faucet, less soap dish | $4.25 |

(b) The maximum net price, f. o. b. point of shipment for sales by any person to jobbers shall be the maximum price specified in (a) above less successive discounts of 20 and 5 per cent.

(c) The maximum net price authorized under this order for sales by the Forrest Manufacturing Company shall be f. o. b. point of manufacture with actual freight allowed up to $1.50 per cwt. on shipments of 100 pounds or more.

(d) The maximum net prices established by this order shall be subject to discounts and allowances, including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) The maximum prices for sales on an installed basis of the commodity covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21834; Filed, Dec. 5, 1945; 11:42 a. m.]

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[Order 375, Under 3 (b), Order 94]

WILLIAM A. GRECA CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 94 under Order No. 375 of § 1499.3 (b) of the General Maximum Price Regulation. William A. Greca Company. Docket No. 6035.2-GMPR-ORD 375-262.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

Authorization of maximum prices governing sales of the confectionery gift packages named in paragraph (a), packed and sold by William A. Greca Company, New York, New York.

(a) The maximum prices for the sales of the items indicated below, packed and sold by William A. Greca Company, 822 Broadway, New York, N. Y., as set out in its price application dated May 9, 1945, shall be:

| | Name of item | Maximum delivered prices for sales by William A. Greca Co. to jobbers and wholesalers | Maximum delivered prices for sales by William A. Greca Co. to retailers and department stores |
|---|---|---|---|
| | | *Per dozen* | *Per dozen* |
| #101 | Bon Bon Dish | $11.05 | $13.10 |
| #103 | Crystal Salad Bowl | 19.64 | 23.20 |
| #201 | Candy Tray | 13.71 | 16.20 |
| #201-A | Candy Tray | 15.70 | 18.55 |
| #202 | Chinese Candy Tray | 19.14 | 22.62 |
| #203 | Large Chinese Tray | 26.46 | 31.30 |
| #204 | Special Chinese Tray | 45.05 | 53.24 |
| #301 | Wooden Salad Bowl | 21.51 | 25.42 |
| #301-A | Wooden Salad Bowl with F & S | 21.51 | 25.42 |
| #302 | Large Wooden Salad Bowl | 35.77 | 42.23 |
| #406 | Gift Chest | 27.05 | 31.95 |

| | Name of item | Maximum delivered prices for sales by jobbers and wholesalers to retailers and dept. stores | Maximum prices for sales by retailers and dept. stores to consumers |
|---|---|---|---|
| | | *Per dozen* | *Per unit* |
| #101 | Bon Bon Dish | $13.10 | $1.55 |
| #103 | Crystal Salad Bowl | 23.20 | 2.70 |
| #201 | Candy Tray | 16.20 | 1.90 |
| #201-A | Candy Tray | 18.55 | 2.20 |
| #202 | Chinese Candy Tray | 22.62 | 2.65 |
| #203 | Large Chinese Tray | 31.30 | 3.65 |
| #204 | Special Chinese Tray | 53.24 | 6.20 |
| #301 | Wooden Salad Bowl | 25.42 | 2.95 |
| #301-A | Wooden Salad Bowl with F&S | 25.42 | 2.95 |
| #302 | Large Wooden Salad Bowl | 42.23 | 4.95 |
| #406 | Gift Chest | 31.95 | 3.70 |

(b) The prices established in this order are the highest prices for which these items may be sold by the respective sellers. All sellers, on sales of these items shall reduce the above appropriate maximum prices by applying the customary discounts, allowances and price differentials which have been applied to sales of other comparable confectionery items.

(c) The contents for each of the items, as set forth in the application of William A. Greca Company, New York, N. Y., dated May 9, 1945, shall be:

Item No. 101—Bon bon dish. Contents: 4 cups each containing 3½ ounces of Jordan almonds, assorted, individually wrapped, hard candy balls, Michigan mints, and lentils, and 5 ounces of wrapped candy known as "Dutch style." Net weight: 1 lb. 3 ounces.

Item No. 103—Crystal salad bowl. Contents: 6 cups each containing 3½ ounces of Michigan mints (2), assorted individually wrapped, hard candy balls, lentils, Allen's toffee, and Jordan almonds, and 16 ounces of "Dutch style." Net weight: 2 lbs. 5 ounces.

Item No. 201—Candy tray. Contents: 4 cups each containing 3½ ounces of Jordan almonds, lentils, Michigan mints, and Allen's toffee, and 6 ounces of "Dutch style." Net weight: 1 lb. 4 ounces.

Item No. 201-A—Candy tray. Contents: 4 cups each containing 3½ ounces of Jordan almonds, lentils, Michigan mints, Allen's toffee, and 12 ounces of "Dutch style." Net weight: 1 lb. 10 ounces.

Item No. 202—Chinese candy tray. Contents: 6 cups each containing 3½ ounces of Jordan almonds, assorted, individually wrapped, hard candy balls, lentils, Allen's toffee, Michigan mints, and chocolate covered raisins, and 12 ounces of "Dutch style." Net weight: 2 lbs. 1 ounce.

Item No. 203—Large chinese tray. Contents: 7 cups each containing 3½ ounces of Jordan almonds, assorted, individually wrapped, hard candy balls, lentils, Michigan mints (2), chocolate raisins, and Allen's toffee, and 28 ounces of "Dutch style." Net weight: 3 lbs. 5 ounces.

Item No. 204—Special Chinese tray. Contents: 10 cups each, containing 3½ ounces of lentils (2), Jordan almonds (2), chocolate raisins (2), assorted individually wrapped, hard candy balls (2), and Michigan mints (2), and 30 ounces of "Dutch style" and 40 ounces of assorted, individually wrapped hard candy balls. Net weight: 6 lbs. 9 ounces.

Item No. 301—Wooden salad bowl. Contents: Same as in Item No. 103—Crystal salad bowl. Net weight: 2 lbs. 5 ounces.

Item No. 301-A—Wooden salad bowl with fork and spoon. Contents: Same as in Item No. 103—Crystal salad bowl. Net weight: 2 lbs. 5 ounces.

Item No. 302—Large wooden salad bowl. Contents: 9 cups each containing 3½ ounces of Jordan almonds (2), lentils, Allen's toffee, "Dutch style", Michigan mints (2), assorted, individually wrapped, hard candy balls, and chocolate raisins, and 18 ounces hard candy balls and 18 ounces of "Dutch style." Net weight: 4 lbs. 3 ounces.

Item No. 406—Gift chest. Contents: 1-4½ ounce jar mixed nuts, 2-3 ounce jars preserves, 1-10 ounce box candy, 1-4 ounce box fancy crackers, 1-1 lb. rum and brandy fruit cake. Net weight: 2 lbs. 8½ ounces.

(d) William A. Green Company shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery of any of the above-named items to such purchaser, the following notice:

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(Insert Date)

The Office of Price Administration has authorized us to sell our (Item No. and Name) to wholesalers and jobbers at a maximum price of (price of item), delivered, per dozen, and to retailers and department stores at a maximum price of (price of item), delivered, per dozen. Wholesalers and jobbers are authorized to sell this item at a maximum price of (price of item) per dozen, delivered. Retailers and department stores are authorized to sell this item to consumers at a maximum price of (------) per unit.

This order may be revoked or amended at any time by the Price Administrator.

This order No. 94 shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21809; Filed, Dec. 5, 1945; 11:38 a. m.]

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[RPS 40, Order 30]

B AND M MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by the manufacturer and jobber of the following door check manufactured by the B and M Manufacturing Company of Elkhart, Indiana and as described in the application dated November 6, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

| Model A-120 door check: | *Dozen* |
|---|---|
| On sales to jobbers | $13.20 |
| On sales to retailers | 17.60 |

(b) The maximum price for sales by retailers of the following door check manufactured by the B and M Manufacturing Company of Elkhart, Ind. shall be:

On sales to consumers—$2.20 Each

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which the manufacturer and jobbers extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during the period October 1-15, 1941. Retailers shall extend the same price differentials in effect on comparable items during March 1942.

(d) Each seller covered by this order, except a retailer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except retailers, upon resale.

(e) The B. and M. Manufacturing Company shall print on the box containing the door check covered by this order, substantially the following:

OPA Maximum Retail Price $2.20

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21810; Filed, Dec. 5, 1945; 11:33 a. m.]

[RMPR 136, 2d Rev. Order 499]

YATES AMERICAN MACHINE CO.

AUTHORIZATION OF MAXIMUM PRICES

Second revised order 499 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Yates American Machine Company. Docket No. 6083-136.21-652.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Revised Order No. 499 under Revised Maximum Price Regulation 136 is redesignated Second Revised Order No. 499 under Revised Maximum Price Regulation 136 and is revised and amended as follows:

(a) The maximum prices for sales by the Yates American Machine Company, Beloit, Wisconsin of the following woodworking machines, their applicable allowances and their extras when furnished with the machines shall be determined as follows. The manufacturer shall increase the list price he had in effect on Oct. 1, 1941, by the following percentages and shall deduct from the resultant list prices, all discounts, allowances and other deductions that he had in effect to a purchaser of the same class on October 1, 1941:

| Woodworking machinery model No.: | *Percentage of increase* |
|---|---|
| A-20 matcher | 15 |
| A-62 matcher | 12 |
| A-23 matcher | 5 |
| E-1 matcher | 5 |
| F-23 feeder | 10 |
| F-24 feeder | 10 |
| C-99 moulder | 15 |
| No. 177 surfacer | 5 |
| B-5 surfacer | 5 |
| B-44 surfacer | 5 |
| J-18 jointer | None |
| J-31 jointer | None |
| No. 1 jointer | 5 |
| N-4 shaper | None |
| N-44 shaper | None |
| W-110 shaper | 5 |
| H-240 saw | 5 |
| G-50 saw | 5 |
| GG-1 saw | 10 |
| G-171 saw | 15 |
| G-89 saw | 5 |
| W-55 saw | 5 |
| Y-20 band saw | 5 |
| Y-30 band saw | 5 |
| Y-36 band saw | 5 |
| W-16 band saw | 5 |
| H-264 sander | 26½ |
| H-268 sander | 4½ |
| 283 resaw | None |
| V-54 resaw | 10 |
| V-60 resaw | 10 |
| No. 281 band ripsaw | 5 |
| S-33 sander | 10 |
| R-263 sander | 15 |
| H-266 sander | 5 |
| 137 grinder | 5 |
| M-7 grinder | 5 |
| 100A grinder | 5 |
| J-70 woodworking lathe | 11 |

(b) The maximum prices for sales by resellers of these items of woodworking machinery manufactured by the Yates American Machine Company, shall be determined as follows: The reseller shall increase or decrease the maximum net price he had in effect to a purchaser of the same class just prior to issuance of this order by the percentage by which his net invoiced cost has been increased or decreased by reason of this order.

(c) The Yates American Machine Company shall notify each person who buys these items of woodworking machinery from the Yates American Machine Company for resale of the percentage by which this order permits the reseller to increase, or requires him to decrease his maximum prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) On or before July 31, 1946, the Yates American Machine Company shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C. a statement of sales for the first six months of 1946 of the machines listed in paragraph (a) and the dollar value of these sales at October 1, 1941 maximum prices compared with maximum prices approved by this Office.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December, 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21811; Filed, Dec. 5, 1945; 11:38 a. m.]

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[SO 119, Order 25]

U. S. MANUFACTURING CORP.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* U. S. Manufacturing Corporation, Decatur, Ill., may increase by no more than 10 percent, its ceiling prices in effect immediately prior to September 28, 1945, to each class of purchaser, for fly swatters, hand and electric corn poppers, snack sets, food warmers, serva cake sets and serva snack sets of its manufacture.

(b) *Ceiling prices of purchasers for resale.* The manufacturer is required to calculate wholesalers' and retailers' ceiling prices for the articles listed in paragraph (a) above which he sells at adjusted prices permitted by this order, according to the provisions of this paragraph.

(1) *Retailers' ceiling prices.* The retail ceiling price is the manufacturer's price for the article, to the class of wholesaler to which the manufacturer sells in the largest volume, plus 100% of such price.

(2) *Wholesalers' ceiling prices.* The wholesale ceiling price to chain, department and syndicate stores is the retail ceiling price of the article, as established by this order, less 40%. The wholesale ceiling price to other retailers is the retail ceiling price of the article, as established by this order, less 33⅓%.

(3) *Revision of resellers' ceiling prices.* Resellers' ceiling prices permitted by this order are subject to revision at any time in accordance with any industry-wide action which may be taken by the Office of Price Administration which requires resellers to absorb any increase in prices permitted reconversion manufacturers.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser in effect during March 1942, or established under any applicable OPA regulation.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a ceiling price adjusted in accordance with the terms of this order, the seller shall notify each purchaser in writing of the adjusted ceiling prices for sales of the articles covered by this order. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21835; Filed, Dec. 5, 1945; 11:38 a. m.]

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[RMPR 136, Order 552]

JACKSON AND CHURCH CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 552 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Jackson and Church Company. Docket No. 6083-136.21-579.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The maximum prices for sales of Herzog Jointer Attachments (16, 20, 24, 30 through 36") by the Jackson and Church Company, Saginaw, Michigan, shall be determined by multiplying the maximum prices which it had in effect therefor just prior to the issuance of this order by 15.3%.

(b) The maximum prices for sales of Herzog Jointer Attachments (16, 20, 24, 30 through 36") by resellers shall be determined as follows: The resellers shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The Jackson and Church Company shall notify each person who buys Herzog Jointer Attachments (16, 20, 24, 30 through 36") for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such

notice shall be filed with the machinery branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21812; Filed, Dec. 5, 1945; 11:39 a. m.]

[MPR 188, Order 4736]

E. M. MIMMS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by E. M. Mimms, 1013 East Broadway, Louisville 4, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Maximum prices for sales by any seller to— | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Wholesalers, mill, electric, motor, restaurant and hotel store equipment | Dropship jobbers | Retailers (3 units or more) | Retailers (less than 3 units) | Industrial, commercial, institutional users (3 units or more) | Industrial, commercial, institutional users (less than 3 units) | Users other than industrial, commercial or institutional |
| | | *Each* | *Each* | *Each* | *Each* | *Each* | *Each* | *Each* |
| 30" Pedestal Floor Fan | 30BH | $48.80 | $52.70 | $58.20 | $63.44 | $73.20 | $82.60 | $97.60 |
| 30" Counter Type Fan | 30BL | 44.65 | 49.84 | 53.28 | 58.05 | 66.98 | 75.91 | 89.20 |
| 30" High Pedestal Type Fan Man Cooler | 30AH | 40.75 | 44.00 | 48.80 | 52.98 | 61.12 | 69.23 | 81.50 |
| 20" Counter Type Fan Low Man Cooler | 30AL | 36.00 | 38.88 | 43.20 | 46.80 | 53.90 | 61.20 | 72.00 |

These maximum prices are for the articles described in the manufacturer's application dated September 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are net 30 days. Only the exact amount of Federal excise tax that the particular seller is required to pay may be added to the above prices.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices filled in:

OPA Retail Ceiling Price to users other than Industrial, Commercial or Institutional—$_____.
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 6th day of December 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21813; Filed, Dec. 5, 1945; 11:36 a. m.]

[RMPR 208, Amdt. 3 to Order 40]

BLUE BELL, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 5.9 (b) of Revised Maximum Price Regulation 208, *It is ordered,* That paragraph (a) of Order No. 40 be, and it hereby is, amended by adding the following items to the table to read as follows:

| Col. 1 | Col. 2 | Col. 3 | Col. 4 | Col. 5 |
|---|---|---|---|---|
| 6000 | Blanket lined coat. | 2.50 sanf. denim (lining, 25% wool). | 40 | $22.18 |
| 7000 | Blanket lined coat. | 2.50 sanf. denim (lining, 25% wool). | 40 | 22.45 |
| S4402 | Worksuit | 8-ounce sanf. denim. | 72.27 | 23.77½ |
| S5220 | Work pants | 8-ounce sanf. denim. | 29.83 | 15.83 |

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21819; Filed, Dec. 5, 1945; 11:39 a. m.]

[MPR 183, Order 4737]

WEST BEND ALUMINUM CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the West Bend Aluminum Company, West Bend, Wis.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Maximum prices for sales by any seller to— | | | |
|---|---|---|---|---|---|
| | | Wholesalers (jobbers), chain and mail order | Department stores | Other retailers | Consumers |
| | | *Each* | *Each* | *Each* | *Each* |
| Aluminum serving oven | 210 | $1.20 | $1.33 | $1.50 | $2.05 |
| Tea kettle | 1222½ | 1.47 | 1.67 | 1.90 | 2.95 |

These maximum prices are for the articles described in the manufacturer's application dated November 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 183 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 183, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail price properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 6th day of December, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21814; Filed, Dec. 5, 1945; 11:37 a. m.]

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[MPR 188, Order 4738]

AUTOMATIC WASHER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Automatic Washer Company, 323 West Third Street, North, Newton, Iowa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Maximum prices for sales by any seller to— | | | |
|---|---|---|---|---|---|
| | | Wholesalers (jobbers) | Chain, mail order and department stores | Other retailers | Consumers |
| Single drain tub | A | *Each* $2.75 | [1] $3.44<br>[2] 3.78 | [1] $3.83<br>[2] 4.20 | [1] $5.75<br>[2] 6.30 |

[1] Zone 2.
[2] Zone 1.

These maximum prices are for the articles described in the manufacturer's application dated November 2, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall state the manufacturer's name or brand name, the model designation and the retail ceiling prices in each zone or in the zone in which the article will be sold to the consumer.

(c) *Zones:* For the purpose of this order "Zone 1" is that area of the following two in which the article covered by this order are manufactured. The other area is "Zone 2".

(1) One area consists of the states of Arizona, New Mexico, California, Washington, Oregon, Idaho, Nevada, Utah, Colorado, Wyoming, Montana, and the following counties of Texas: El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos, and Reeves.

(2) The other area consists of the remaining counties of Texas, all other states and the District of Columbia.

(d) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 6th day of December 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21815; Filed, Dec. 5, 1945; 11:37 a. m.]

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[MPR 580, Amdt. 2 to Order 21]

ROBERT REIS & CO.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 2 to Order 21. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-204.

For the reasons set forth in the opinion issued simultaneously herewith, paragraph (a) of Order No. 21 is amended by adding the following:

| Article | Brand name | Manufacturer's selling price | Retail ceiling price |
|---|---|---|---|
| Andover | Reis Anzacs | *Per doz.* $13.50 | *Per unit* $2.00 |

The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by this paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21821; Filed, Dec. 5, 1945; 11:40 a. m.]

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[MPR 188, Order 4739]

MERIT MACHINE AND METAL WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Merit Machine and Metal Works, 204 Wallabout Street, Brooklyn 6, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Maximum prices for sales by any seller to— | | | | |
|---|---|---|---|---|---|---|
| | | Wholesalers (jobbers) | Dropship (jobbers) | Chain and department store | Other retailers | Consumers |
| Pressure cooker, 4½ qt. | 87 | *Each* $4.63 | *Each* $4.99 | *Each* $5.55 | *Each* $6.17 | *Each* $9.25 |

These maximum prices are for the articles described in the manufacturer's application dated November 1, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$9.25 Each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 6th day of December, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21816; Filed, Dec. 5, 1945; 11:37 a. m.]

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[MPR 188, Order 4740]

CROWN MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Crown Manufacturing Company, 1025 North 6th Street, St. Louis 1, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Maximum prices for sales by any seller to— | | | | |
|---|---|---|---|---|---|---|
| | | Wholesalers (jobbers) | Dropship (jobbers) | Retailers (6 units or more) | Retailers (less than 6 units) | Consumers |
| Electric iron with cord; chrome-plated | 3300 | *Each* $5.59 | *Each* $5.90 | *Each* $6.50 | *Each* $7.00 | *Each* $10.50 |
| Electric iron with cord; chrome-plated | 3400 | 4.45 | 4.77 | 5.20 | 5.67 | 8.50 |

These maximum prices are for the articles described in the manufacturer's application dated October 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices include the Federal excise tax.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4740
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Crown Manufacturing Co.
1025 No. 6th Street
St. Louis 1, Mo.
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 6th of December 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21817; Filed, Dec. 5, 1945; 11:37 a. m.]

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[MPR 580, Amdt. 1 to Order 33]

ENNA JETTICK SHOES

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 1 to Order 33. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-23.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 33 is amended in following respects:

1. Paragraph (a) is amended by adding thereto the following:

| Article | Brand name | Manufacturer's identification | Manufacturer's ceiling price | Retail ceiling price |
|---|---|---|---|---|
| Shoes | Enna Jettick | Regular width | $4.60 | $8.95 |
| | | EEE width | 4.10 | 8.95 |

The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand of company name and for which a retail ceiling price has been established by this paragraph (a) shall be the retail ceiling price listed for that other article in paragraph (a).

2. Paragraph (d) is amended to read as follows:

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order and any amendment thereto.

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21822; Filed, Dec. 5, 1945; 11:40 a. m.]

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[MPR 183, Order 4741]

PRECISION MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Precision Manufacturing Company, 88 King Street, Dover, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Maximum prices for sales by any seller to— | | | | |
|---|---|---|---|---|---|---|
| | | Wholesalers (jobbers) | Dropship (jobbers) | Retailers (6 units or more) | Retailers (less than 6 units) | Consumers |
| Electric tester, no cord; chrome-plated; black lucite wood handles | A | *Each* $1.64 | *Each* $1.64 | *Each* $1.82 | *Each* $2.02 | *Each* $2.95 |
| Electric iron; chrome-plated, no cord; wood handle | A | 1.67 | 1.95 | 2.17 | 2.34 | 3.50 |

These maximum prices are for the articles described in the manufacturer's application dated October 24, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days. These prices include the Federal excise tax.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4741
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Precision Manufacturing Co.
88 King Street
Dover, New Jersey
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 6th of December 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21818; Filed, Dec. 5, 1945; 11:37 a. m.]

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[MPR 580, Amdt. 1 to Order 156]

## CONGRESS SHIRT CO.

### ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 1 to Order 156. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-380.

For the reasons set forth in the accompanying opinion issued simultaneously herewith, paragraph (a) of Order 156 is amended by adding the following:

MEN'S "CRUISER" SHIRTS

| Lot No. | Manufacturer's selling price | Retail ceiling price |
|---|---|---|
| | *Per dozen* | *Per unit* |
| 153 | $57.24 | $8.25 |
| 550 | 63.38 | 8.95 |
| 503-504 | 75.84 | 10.50 |

BOYS' "CRUISER" SHIRTS

| | | |
|---|---|---|
| 153B | $52.50 | $7.25 |
| 550B | 57.58 | 8.25 |
| 503B—504B | 66.98 | 9.50 |

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21823; Filed, Dec. 5, 1945; 11:40 a. m.]

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[MPR 580, Amdt. 2 to Order 208]

## CLIMATIC RAINWEAR CO., INC.

### ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 2 to Order 208. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-365.

For the reasons set forth in the accompanying opinion, paragraph (a) of Order No. 208 is amended by adding the following:

LADIES' RAINWEAR

| Style No. | Article | Manufacturer's selling price | Retail ceiling price |
|---|---|---|---|
| L-109X | Coat | $6.50 | $10.95 |

BOYS' RAINWEAR

| | | | |
|---|---|---|---|
| B-208 | Coat | $6.00 | $10.00 |
| B-209 | Hat | 1.20 | 2.00 |

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21824; Filed, Dec. 5, 1945; 11:40 a. m.]

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[MPR 580, Revocation of Order 247]

## R. APPEL

### ADJUSTMENT OF MAXIMUM PRICES

Order 247 under section 13 of Maximum Price Regulation 580. Order of revocation. R. Appel. Docket No. 6063-580-13-219.

For the reasons set forth in the opinion issued simultaneously herewith; *It is ordered:*

1. Order No. 247 issued to R. Appel, 10 West 33d Street, New York 1, New York, is hereby revoked.

2. R. Appel shall send a copy of this order of revocation to each retailer who received a copy of Order No. 247.

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21825; Filed, Dec. 5, 1945; 11:41 a. m.]

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[MPR 580, Amdt. 1 to Order 262]

## C. F. RUMPP AND SONS

### ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Amendment 1 to Order 262. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-373.

For the reasons set forth in the opinion issued simultaneously herewith, paragraph (a) of Order No. 262 is amended in the following respects:

1. Under the heading "Billfolds" the following price lines under the subheading "Manufacturer's Selling Price" and the corresponding retail prices listed under the subheading "Retail Ceiling Price" are deleted:

| Manufacturer's selling price: | *Retail ceiling price* |
|---|---|
| $41.12 to $45.00 | $6.50 |
| $47.19 to $50.32 | 7.50 |

2. Under the heading "Billfolds" the following price lines are added:

| Manufacturer's selling price: | *Retail ceiling price* |
|---|---|
| $41.12 to $44.12 | $6.50 |
| $45.00 to $50.32 | 7.50 |

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21826; Filed, Dec. 5, 1945; 11:40 a. m.]

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[MPR 580, Order 267]

## TEXTRON, INC.

### ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Order 267. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-185.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Textron, Incorporated, 350 Fifth Avenue, New York 1, New York, having the brand name "Textron" or "Atlan"; and described in the manufacturer's application dated April 12, 1945:

| SHOWER CURTAINS<br>Manufacturer's selling price: | *Retail ceiling price* |
|---|---|
| $3.00 | $4.95 |
| $4.20 | 7.50 |
| $4.50 | 7.50 |
| $6.30 | 10.95 |
| **BATHROOM MATCHING DRAPERIES** | |
| $2.75 | $4.95 |
| $3.00 | 4.95 |
| $3.25 | 6.00 |
| $4.20 | 7.50 |
| **SHOWER CURTAINS AND BATHROOM MATCHING DRAPERY SETS** | |
| $4.75 | $8.25 |
| $5.75 | 9.95 |
| $6.00 | 9.95 |
| $7.45 | 13.50 |
| $8.40 | 14.95 |
| $9.50 | 16.50 |
| $8.50 | 15.00 |
| **READY-MADE DRAPERIES** | |
| $4.50 | $7.50 |
| $8.15 | 14.00 |
| $8.40 | 14.50 |
| $9.50 | 16.95 |

| READY-MADE DRAPERIES—Con. Manufacturer's selling price—Con. | *Retail ceiling price* |
|---|---|
| $9.75 | $16.95 |
| $10.00 | 17.50 |
| $10.50 | 17.50 |
| $10.75 | 17.95 |
| $11.00 | 19.95 |
| $11.50 | 19.95 |
| $12.00 | 21.00 |
| $12.50 | 21.75 |
| $13.00 | 22.50 |
| BEDSPREADS, SINGLE AND DOUBLE | |
| $11.50 | $19.95 |
| $12.50 | 21.50 |
| $13.00 | 22.50 |
| $13.50 | 22.50 |
| $14.00 | 24.50 |
| $14.25 | 24.50 |
| $15.25 | 26.50 |
| $15.50 | 27.00 |
| DRESSING TABLE SKIRTS | |
| $7.00 | $12.75 |
| $7.75 | 12.95 |
| $8.00 | 14.50 |
| $9.50 | 16.95 |
| $10.00 | 17.95 |
| BLANKET COVERS, SINGLE AND DOUBLE | |
| $6.25 | $10.95 |
| $7.75 | 13.50 |
| APRONS | *Each* |
| $25.50 (dozen) | $2.95 |
| PAJAMAS | |
| $42.00 (dozen) | $5.95 |
| $69.00 (dozen) | 10.00 |
| SHORTS | |
| $14.00 (dozen) | $1.95 |
| $17.50 (dozen) | 2.50 |
| SPORT SHIRTS | |
| $57.00 (dozen) | $8.50 |
| SLIPS | |
| $16.50 (dozen) | $2.25 |
| $22.50 (dozen) | 2.95 |
| $24.00 (dozen) | 3.25 |
| NIGHTGOWNS | |
| $72.00 (dozen) | $9.95 |
| SLEEPING PAJAMAS | |
| $5.50 (each) | $8.95 |
| NEGLIGEES, HOUSECOATS, QUILTED ROBES | |
| $4.75 each | $7.95 |
| $5.50 | 8.95 |
| $6.50 | 10.95 |
| $7.75 | 12.95 |
| $8.75 | 14.95 |
| $10.50 | 16.95 |
| BEDJACKETS | |
| $5.50 | $8.95 |

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after January 1, 1946, Textron, Incorporated, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$_____

On and after February 1, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to February 1, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the applicable regulation.

(e) On on before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21827; Filed, Dec. 5, 1945; 11:39 a. m.]

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[MPR 591, Amdt. 1 to Order 83]

## WESTINGHOUSE ELECTRIC AND MANUFACTURING CO.

### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, Order 88 is amended in the following respect:

All references in Order 83 to the Westinghouse Electric and Manufacturing Company are changed to read "Westinghouse Electric Corporation."

This amendment shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21823; Filed, Dec. 5, 1945; 11:41 a. m.]

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[MPR 591, Order 157]

## ARTKRAFT MANUFACTURING CORP.

### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following "Silver Streak" combination refrigerator and deep freeze unit, manufactured by the Artkraft Manufacturing Corporation, Lima, Ohio, and as described in the application dated October 18, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

| | On sales to— | | |
|---|---|---|---|
| | Distributors | Dealers | Consumers |
| "Silver Streak" combination refrigeration and deep freeze unit, 16 cu. ft. ¼ h. p. condensing unit | $320 | $324 | $440 |

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except retailers, including allowable transportation and crating charges.

(f) The Artkraft Manufacturing Corporation of Lima, Ohio, shall stencil on the lid or cover of the "Silver Streak" Combination refrigeration and deep freeze unit, covered by this order, substantially the following:

OPA Maximum Retail Price—$440.00.

Plus freight and crating as provided in Order No. 151 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21823; Filed, Dec. 5, 1945; 11:41 a. m.]

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[MPR 591, Order 151]

## SWEENEY MANUFACTURING CO.

### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of

Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum prices, excluding federal excise tax, for sales by any person to consumers of the following oil burning water heaters manufactured by the B. K. Sweeney Manufacturing Company of Denver, Colorado and described in its application dated October 22, 1945, shall be:

| | |
|---|---|
| No. 630: 30-gallon oil burning storage water heater | $117.75 |
| No. 640: 40-gallon oil burning storage water heater | 129.00 |

(b) The maximum net prices, excluding federal excise tax, f. o. b. point of shipment, for sales by any person to dealers shall be the maximum prices specified in (a) above less a discount of 40 percent.

(c) The maximum net prices, excluding federal excise tax, f. o. b. point of shipment, for sales by any person to distributors shall be the maximum prices specified in (a) above less successive discounts of 50 and 10 percent.

(d) The maximum prices established by this order shall be subject to such further discounts and allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(g) The B. K. Sweeney Manufacturing Company shall attach to each oil burning water heater covered by this order a tag containing the following:

OPA maximum retail price, not installed, including actual Federal excise tax paid at source—$_____

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21830; Filed, Dec. 5, 1945; 11:41 a m.]

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[MPR 591, Order 152]

CHAMPION BRASS MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum price, f. o. b. point of shipment, for sales by any person to consumers of the following brass sprinkler head manufactured by Champion Brass Manufacturing Company and as described in its application dated September 21, 1945, shall be:

Champion Jr. brass sprinkler head: $0.29.

(b) The maximum net price, f. o. b. point of shipment, for sales by any person to dealers shall be the maximum price specified in (a) above less a discount of 33⅓ per cent.

(c) The maximum net price, f. o. b. point of shipment, for sales by any person to jobbers shall be the maximum price specified in (a) above less a discount of 50 per cent.

(d) The maximum net prices established by this order shall be subject to such further discounts and allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) The maximum price on an installed basis of the commodity covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum price established by this order for each such seller as well as the maximum price established for purchasers, except dealers, upon resale.

(g) The Champion Brass Manufacturing Company shall attach to each sprinkler head covered by this order, a tag containing the following:

OPA Maximum Retail Price $0.29

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21831; Filed, Dec. 5, 1945; 11:41 a. m.]

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[MPR 591, Order 153]

COPELAND REFRIGERATION CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for the Copeland Refrigeration Corporation, Sidney, Ohio.* (1) This order permits the Copeland Refrigeration Corporation of Sidney, Ohio, to increase its October 1, 1941 maximum net prices to each class of purchaser of its refrigeration products, as described in its several applications by 12 percent.

(2) The maximum net prices enumerated in (a) (1) above are subject to such cash discounts and transportation allowances at least as favorable as those granted as a deduction from net prices to each class of purchaser on October 1, 1941 on comparable sales of similar commodities.

(b) *Maximum prices for resellers.* All resellers of the refrigeration products for which adjustment is granted to the Copeland Refrigeration Corporation (except manufacturers who purchase such items for use in the manufacture of other refrigeration items) may add the same percentage mark-up to their new cost as in effect on these items during March 1942.

(c) *Notification to all purchasers.* The Copeland Refrigeration Corporation shall send the following notice to every purchaser of the commodities adjusted by this order at or before the time of the first invoice after the effective date of this order:

Order No. 153 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for a 12 percent increase in October 1, 1941 net prices for sales of refrigeration products manufactured by the Copeland Refrigeration Corporation. Resellers except manufacturers who purchase such items for use in the manufacture of other refrigeration items, may add the same percentage mark-up to their new cost as in effect on these items during March 1942.

(d) Order No. 36 under section 16 (b) (1) of Maximum Price Regulation No. 591, effective on October 1, 1945 is hereby revoked.

(e) All prayers of the Copeland Refrigeration Corporation not granted in this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21832; Filed, Dec. 5, 1945; 11:42 a. m.]

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[MPR 591, Order 154]

FEDDERS MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment for sales by any person of the following bottle-type mechanical water cooler, manufactured by the Fedders Manufacturing Company of Buffalo, New York, and as described in the application dated November 16, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

| Model | On sales to Cordley & Hayes (distributor) | On sales to dealers | On sales to consumers |
|---|---|---|---|
| CB-5, 115 volt, 60 cycle, AC. | $78 | $105 | $210 |

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subect to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except retailers, including allowable transportation and crating charges.

(f) The Fedders Manufacturing Company of Buffalo, New York, shall stencil on the lid or cover of the water coolers covered by this order, substantially the following:

OPA Maximum Retail Price $210.00

Plus freight and crating as provided in Order No. 154 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 6, 1945.

Issued this 5th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21833; Filed, Dec. 5, 1945; 11:42 a.m.]

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[MPR 592, Corr. to Order 5]

## WATER-REPELLENT GYPSUM SHEATHING

### ADJUSTMENT OF MAXIMUM PRICES

Paragraph (e) is corrected to read as follows:

(e) The maximum prices for any manufacturer of water-repellent gypsum sheathing, described in (b) above, which were established or authorized prior to November 15, 1945, are hereby revoked.

This correction shall become effective December 6, 1945.

Issued this 6th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-21951; Filed, Dec. 6, 1945; 11:35 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-844, 7-848]

### PAN AMERICAN AIRWAYS CORP. AND LACLEDE GAS LIGHT CO.

### ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of December, A. D. 1945.

In the matter of applications by the Philadelphia Stock Exchange to extend unlisted trading privileges to Pan American Airways Corporation Purchase Warrants for $2.50 Par Capital Stock, Expiring December 30, 1947, File No. 7-844; The Laclede Gas Light Company, Common Stock, $4 Par Value, File No. 7-848.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10:00 a. m. on Monday, December 17, 1945, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Robert P. Reeder, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 45-21867; Filed, Dec. 6, 1945; 1:33 p. m.]

[File No. 70-1183]

### OHIO PUBLIC SERVICE CO. AND OHIO RIVER POWER, INC.

### ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of December, A. D. 1945.

The Ohio Public Service Company and Ohio River Power, Inc., its subsidiary, direct and indirect subsidiaries respectively of Cities Service Power & Light Company, a registered holding company, having filed a joint application pursuant to the Public Utility Holding Company Act of 1935, regarding a proposal by Ohio River Power, Inc. to issue and sell to The Ohio Public Service Company, and a proposal by The Ohio Public Service Company to acquire, from time to time, to and including May 1, 1946, at par, a total amount not to exceed 20,000 shares of common stock, $100 par value per share, the proceeds of such sale of common stock to be used by Ohio River Power, Inc. toward the cost of additional generating facilities; and

Said joint application having been filed on November 9, 1945, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said joint application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

It appearing that the proposed issuance and sale of stock by Ohio River Power, Inc., and the proposed acquisition thereof by The Ohio Public Service Company have been authorized by The Public Utilities Commission of Ohio; and

The Commission finding that the requirements of sections 6 (b), 9, 10 and 12 (f) of said act and of Rule U-43 are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, without imposing conditions under section 6 (b) of the Act;

*It is hereby ordered,* Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said joint application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 45-21868; Filed, Dec. 5, 1945; 1:33 p. m.]

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[File No. 70-1182]

### CITIES SERVICE CO.

### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of December, A. D. 1945.

Cities Service Company, a registered holding company, having filed a decla-

ration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof and Rules U-42 and U-43 thereunder, regarding a proposal to purchase at principal amount thereof and retire $7,789,372 of its 5% Debentures owned by Cities Service Oil Company (Pa.) and $700,000 of said Debentures owned by Sixty Wall Tower Inc., both non-utility subsidiaries of Cities Service Company, payment therefor to be made by the delivery, for cancellation and retirement, of the 6% Note of Cities Service Oil Company (Pa.) due August 20, 1947 in the principal amount of $5,911,625.14 and the 6% Demand Income Note of Sixty Wall Tower Inc. in the principal amount of $435,000, both notes now held by Cities Service Company and the endorsement by Cities Service Company of the payment of $1,877,746.86 on other notes of Cities Service Oil Company (Pa.) and of $265,000 on other notes of Sixty Wall Tower Inc.; presently owned by Cities Service Company. Adjustments are to be made for interest accrued to the date of the closing on the debentures to be acquired and the notes to be surrendered; and

Said declaration, as amended, containing a request that the Commission except the proposed sale to Cities Service Oil Company (Pa.) of the note of said company from the competitive bidding requirements of Rule U-50 pursuant to clause (a) (5) thereof; and

Said declaration having been filed on the 5th day of November, 1945, and the said amendment having been filed on November 13, 1945, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that, with respect to the proposed sale of the note of Cities Service Oil Company (Pa.), an exception from the competitive bidding requirements of Rule U-50 is appropriate; and

The Commission finding that the proposed transactions are not in contravention of the act or any rules or regulations promulgated thereunder, that the proposed transactions satisfy the requirements of the applicable provisions of the act and of the rules insofar as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

*It is hereby ordered,* Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same is, hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 45-21869; Filed, Dec. 5, 1945; 1:34 p. m.]

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[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING CERTAIN TRANSACTIONS

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia 3, Pa., on the 30th day of November, A. D. 1945.

In the matter of Electric Bond and Share Company, File No. 54-127; in the matter of Electric Bond and Share Company, and its subsidiary companies, respondents, File No. 59-3; In the matter of Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company under the Public Utility Holding Company Act of 1935, having filed with the Commission a supplemental application requesting that the Commission enter an order to conform to the requirements of section 1808 of the Internal Revenue Code, as amended, with respect to the proposed transfer to Bond and Share of the following enumerated shares of the common stock of National Power & Light Company which are beneficially owned by Bond and Share but registered in the names of the following individual nominees of Bond and Share:

| | *Shares* |
|---|---|
| Robert Pulleyn | 102,800 |
| Harold F. Sanders | 742,335 |
| Richard E. Schumacher | 213,150 |
| Frank L. Smiley | 8,000 |
| Geo. H. Toepfer | 228,380 |
| Harry J. Wiegand | 330,168 |

and with respect to the issuance of new certificates for such shares to Bond and Share; and

The Commission deeming the existence in such nominees of legal title to the above securities as unnecessary complexity in the Bond and Share holding company system and the proposed transfers eliminating such nominee holdings as necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and deeming it appropriate to grant the foregoing request of Bond and Share:

*It is ordered,* That the transactions specified and itemized below, all as proposed in said supplemental application, are authorized as steps which are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

The transfer and delivery to Bond and Share by the individual nominees hereinafter named, of the shares of common stock hereinafter designated of National Power & Light Company, a corporation organized and existing under the laws of the State of New Jersey, and the issuance of new certificates for such shares of common stock to Bond and Share, the beneficial owner thereof:

| | *Shares* |
|---|---|
| Robert Pulleyn | 102,800 |
| Harold F. Sanders | 742,335 |
| Richard E. Schumacher | 213,150 |
| Frank L. Smiley | 8,000 |
| Geo. H. Toepfer | 228,380 |
| Harry J. Wiegand | 330,168 |

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 45-21870; Filed, Dec. 5, 1945; 1:34 p. m.]

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[File No. 70-1103]

SOUTHWESTERN DEVELOPMENT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of November 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southwestern Development Company (Southwestern), a registered holding company and a subsidiary of Mission Oil Company, also a registered holding company.

All interested persons are referred to the said filing which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

(1) Southwestern owns 214,214.7 shares of the common stock of Natural Gas Pipeline Company (Gas Pipeline) or approximately 14¼% of all such stock outstanding. Southwestern proposes to surrender for cancellation 171,371.78 shares of such common stock to enable Gas Pipeline, by similar action of all of its stockholders on a pro rata basis, to reduce the number of its outstanding shares of such stock from 1,500,000 to 300,000 shares of a stated value of $3,000,000. Southwestern will purchase, pursuant to the preemptive rights attaching to its holdings of the common stock of Gas Pipeline, 242,776.68 shares out of an aggregate of 1,700,000 shares of new common stock to be sold by Gas Pipeline at $10 a share;

(2) Southwestern proposes to surrender for redemption, at the principal amount plus accrued interest, $4,552,000 principal amount of Gas Pipeline's First Mortgage 6% Bonds, Series A, and $286,000 principal amount of its 6% Debentures;

(3) Southwestern will apply part of the proceeds of the redemption of Gas Pipeline's Series A Bonds and 6% Debentures to (i) the purchase as above of new common stock of Gas Pipeline; (ii) the retirement of the balance of a loan payable by Southwestern to Guaranty Trust Company of New York in the amount of $984,595; and (iii) the acquisition from Guaranty Trust Company of New York of a promissory note of the West Texas Gas Company (a wholly-owned subsidiary of Southwestern) in the amount of $990,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters;

*It is ordered,* That a hearing on such matters under applicable provisions of said Act and the Rules of the Commission promulgated thereunder be held on

December 17, 1945, at 10:00 a. m., e. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

*It is further ordered,* That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That any person desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Secretary of the Commission, on or before December 14, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

*It is further ordered,* That, without limiting the scope of the issues presented by said filing, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration to be paid by Southwestern for additional shares of the common stock of Gas Pipeline is not unreasonable and whether the acquisition of such common stock by Southwestern will be detrimental to the carrying out of the provisions of section 11;

(2) Whether the acquisition by Southwestern of the promissory note of West Texas Gas Company is detrimental to the carrying out of the provisions of section 11 and will have the tendency required by section 10 (c) (2) of the act and will otherwise meet the requirements of section 10;

(3) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules and regulations promulgated thereto, particularly section 12 (f) of said act;

(4) Whether the fees, commissions, or other remunerations to be paid in connection with the proposed transactions are reasonable;

(5) Whether in the event the declaration shall be permitted to become effective it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21871; Filed, Dec. 5, 1945; 1:34 p. m.]

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[File No. 59-76, 54-126]

EASTERN GAS AND FUEL ASSOCIATES

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 4th day of December, A. D. 1945.

Eastern Gas and Fuel Associates ("Eastern"), a registered holding company, having filed an application under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan of recapitalization for the purpose of bringing the capital structure of the company into compliance with the provisions of section 11 (b) (2) of the act;

The Commission having consolidated the proceedings in respect of said plan with proceedings heretofore instituted by the Commission under section 11 (b) (2) of the act with respect to Eastern; and hearings having been held in such consolidated proceedings and having been continued to December 10, 1945 at 10:30 a. m., e. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

Certain interested persons having requested that said continued hearing be postponed from December 10, 1945 to January 8, 1946, and the Commission having been advised that Eastern joins in such request; and

The Commission having considered such request and deeming it appropriate that it be granted:

*It is ordered,* That the hearing in this matter heretofore scheduled to reconvene on December 10, 1945 be, and hereby is, postponed to January 8, 1946 at the same time and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21872; Filed, Dec. 5, 1945; 1:34 p. m.]

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[File No. 1-342]

RED BANK OIL CO.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of December, A. D. 1945.

In the matter of trading on the New York Curb Exchange in the Common Stock, $1 Par Value, of Red Bank Oil Company, File No. 1-342.

The Commission, by order adopted on October 16, 1945, pursuant to section 19 (a) (4), having summarily suspended trading in the Common Stock, $1 Par Value, of Red Bank Oil Company on the New York Curb Exchange for a period of ten (10) days in order to prevent fraudulent, deceptive, or manipulative acts or practices, and said security having been similarly suspended from trading on said exchange for additional periods of ten (10) days each by orders adopted on October 25, November 2, November 14 and November 23, 1945;

The Commission, with due regard for the public interest and the protection of investors, deeming it appropriate that trading in said Common Stock on the New York Curb Exchange be summarily suspended;

The Commission, being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in such security on the New York Curb Exchange be, and it hereby is, summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, effective for a period of ten (10) days from the opening of the trading session on December 6, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21830; Filed, Dec. 6, 1945; 9:55 a. m.]

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[File No. 1-2314]

CUNNINGHAM DRUG STORES, INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of December, A. D. 1945.

Cunningham Drug Stores, Incorporated, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $2.50 Par Value, from listing and registration on The Chicago Stock Exchange;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on December 15, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21831; Filed, Dec. 6, 1945; 9:56 a. m.]

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[File Nos. 59-12, 54-51]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER CORRECTING NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 5th day of December, A. D. 1945.

In the matter of Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; in the

matter of Electric Bond and Share Company, National Power & Light Company, File No. 54–51, Application 10.

The Commission having issued a notice of filing amendments and order reconvening hearing in this matter on November 16, 1945, and it appearing to the Commission that said notice and order contains certain clerical errors:

*It is ordered,* That the first and second paragraphs on page six of the original typewritten copy be and hereby are amended so as to read as follows:

"*It is further ordered,* That the hearing to be convened on January 3, 1946 shall be confined to a consideration of Parts D and E of National's Application 10, as amended, and applications incident thereto filed by National and Bond and Share. At such times as the proposed amendments are filed with respect to Parts B, C, and F, of National's Application 10, hearings will be reconvened and appropriate notice thereof will be duly given.

"*It is further ordered,* That, without limiting the scope of the issues presented in the proceedings, particular attention will be directed at the hearing to be held on January 3, 1946 to the following matters and questions:"

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21882; Filed, Dec. 6, 1945; 9:56 a. m.]

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[File Nos. 70-618, 54-100]

AMERICAN POWER & LIGHT CO.

ORDER APPROVING AMENDED SUPPLEMENTAL PLAN AND DIRECTING APPLICATION TO COURT

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 30th day of November, A. D. 1945.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having on November 7, 1945 filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of an amended plan providing for the retirement of American's outstanding 6% Gold Debenture Bonds, due 2016, at 110% of principal amount plus accrued interest; and said amended plan further providing for the retirement of the Southwestern Power & Light Company's ("Southwestern") 6% Gold Debenture Bonds, due 2022, (assumed by American) at 110% of principal amount plus accrued interest, and in addition such amount which the Commission shall subsequently determine to be fair and equitable on account of the fact that the Southwestern Gold Debenture Bonds are not callable until March 1, 1947; and

The Commission having on November 8, 1945 found that said amended plan is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons affected thereby and having entered an order granting said application for approval of said amended plan; and

The said amended plan having been approved by the United States District Court for the Southern District of New York which Court on November 28, 1945, entered its order enforcing said amended plan; and

American, pursuant to section 11 (e) of the act, having filed an application for approval of an amended supplemental plan providing for the payment to the holders of the Southwestern debentures (in addition to 110% of principal amount and accrued interest as provided in the amended plan of November 7, 1945) of 5% of principal amount on account of the fact that the Southwestern debentures are not callable until March 1, 1947; and

A public hearing having been held on said application after appropriate notice and the Commission having examined the record and having made and filed its findings and opinion based thereon; and

The Commission having found that said amended supplemental plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

*It is ordered,* That the application for approval of said amended supplemental plan be, and the same hereby is granted, and the said amended supplemental plan be, and the same hereby is approved, subject, however, to the conditions specified in Rule U-24 and to the further condition that this order shall not be operative to authorize the consummation of the transactions proposed in the amended supplemental plan until an appropriate United States District Court, shall upon application thereto, enter an order enforcing such amended supplemental plan.

*It is further ordered,* That counsel for the Commission be and they are hereby authorized and directed to make application on behalf of the Commission to an appropriate United States District Court to enforce and carry out the terms and provisions of said amended supplemental plan pursuant to the provisions of sections 11 (e) and 18 (f) of the act and the request duly filed herein by the applicant.

*It is further ordered,* That the expenditure by American pursuant to the amended supplemental plan of the additional amount payable thereunder to holders of Southwestern Power & Light Company 6% Gold Debenture Bonds, Series A, due 2022 or to the holders of Receipts issued upon a surrender of such bonds is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and is necessary and appropriate to the integration or simplification of the Holding Company System of which American is a member.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21883; Filed, Dec. 6, 1945; 9:55 a. m.]

[File No. 70-1065]

THE POTOMAC EDISON CO. AND POTOMAC LIGHT AND POWER CO.

NOTICE OF FILING OF AMENDMENT AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of December, A. D. 1945.

Notice is hereby given that The Potomac Edison Company ("Potomac"), a registered holding company and a subsidiary of American Water Works & Electric Company, Incorporated, also a registered holding company, and Potomac Light and Power Company ("Light"), a direct subsidiary of Potomac, have filed a joint application-declaration under the Public Utility Holding Company Act of 1935 as an amendment in the above captioned proceeding.

All interested persons are referred to said joint application-declaration, which is on file in the office of this Commission, for a statement of the transactions proposed therein which are summarized below:

Potomac proposes to offer to the holders of its outstanding 29,182½ shares of 7% Preferred Stock and 34,602 shares of 6% Preferred Stock, par value $100 per share, the right to exchange their present holdings on a share for share basis for a new issue of Cumulative Preferred Stock, par value of $100 per share, together with a cash adjustment for dividends to the date of redemption in each case and with a further cash payment in each case representing the difference between the price to be paid to Potomac for the shares of new Cumulative Preferred Stock not issued pursuant to this exchange offer and the redemption prices of the old preferred stock exclusive of accrued dividends. The dividend rate on the new Cumulative Preferred Stock, and the price per share to Potomac, are to be determined at competitive bidding.

All of the unexchanged 7% and 6% Preferred Stocks are to be called for redemption and retirement on May 1, 1946, at their respective redemption prices. The 6% Preferred Stock is redeemable at $110 per share plus accrued dividends to the date of redemption, and the 7% Preferred Stock is redeemable at $115 per share plus accrued dividends to the date of redemption. All shares of presently outstanding preferred stock now held by Potomac or acquired pursuant to the exchange offer are to be retired.

The exchange offer, which is to be open for acceptance for a period of approximately ten days, is to provide that the outstanding fractional certificates of 7% Preferred Stock (the only stock having fractional certificates outstanding) will be accepted for exchange only in combinations equalling full shares.

Potomac proposes to invite, pursuant to the competitive bidding requirements of Rule U-50, written proposals for services in obtaining exchanges of shares of old Preferred Stock and for the purchase of such of the 63,784 shares of new Cumulative Preferred Stock as are not required to effect exchanges.

At the present time, Light has outstanding 3,500 shares of 6% Cumulative Preferred Stock, par value of $100 per share, of which 2,178 shares are held by the public and 1,322 shares are held by Potomac. Potomac also owns all of the common stock of Light (21,500 shares, par value $100 per share), $89,802.63 principal amount of open account indebtedness of Light and $613,330.94 face amount of demand notes of Light. The stock and indebtedness of Light now owned by Potomac are presently pledged under the indenture of Potomac securing its First Mortgage and Collateral Trust Bonds.

The preferred stock of Light is redeemable on any dividend date on 60 days prior notice at its par value and accrued dividends, dividends being payable on February 1 and August 1. Light proposes to redeem on August 1, 1946, all of its outstanding 6% Cumulative Preferred Stock. In connection with this redemption Potomac proposes to transfer to Light in exchange for 10,500 shares of new common stock of Light, par value $100 per share, $700,000 principal amount of the indebtedness of Light, all of Potomac's holdings of preferred stock of Light and $217,800 in cash. It is stated that this cash will be sufficient together with available treasury funds of Light to effectuate the proposed redemption. The shares of new common stock of Light to be acquired by Potomac are to be pledged under Potomac's indenture.

The filing has designated sections 6, 7, 9, 10 and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as being applicable to the proposed transactions.

Public hearings have heretofore been held in this proceeding in respect of prior filings by Potomac, and have been continued subject to reconvening by the call of the Trial Examiner or by further order of the Commission.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing herein be reconvened with respect to said matters and that the joint application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

*It is ordered,* That the hearing herein be reconvened under the applicable provisions of the act and the rules of the Commission promulgated thereunder at 10:00 a. m. e. s. t., on the 19th day of December, 1945, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date the hearing room clerk in Room 318 will advise as to the room in which the hearing is to be held. Any person desiring to be heard in connection with these proceedings or otherwise wishing to participate should file with the Secretary of the Commission on or before December 14, 1945, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered,* That notice of said hearing is hereby given to Potomac, Light, Public Service Commission of Maryland, Public Service Commission of West Virginia, and all interested persons, notice to be given to Potomac, Light, Public Service Commission of Maryland and Public Service Commission of West Virginia by registered mail and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of a copy of this notice and order in the FEDERAL REGISTER.

*It is further ordered,* That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of the issues presented in this proceeding, particular attention be directed at the hearing to the following matters and questions:

(1) Whether the issue, exchange, and sale of the proposed new preferred stock by Potomac are solely for the purpose of financing the business of Potomac and have been expressly authorized by the Public Service Commission of Maryland;

(2) Whether the issue, exchange, and sale of new preferred stock by Potomac are entitled to an exemption from the provisions of section 6 (e) of the act or in the alternative whether the proposed issue, exchange and sale satisfy the requirements of sections 7 (c) and 7 (d) of the act;

(3) Whether the provisions of the exchange offer are detrimental to the public interest or the interest of investors or consumers;

(4) Whether the proposed redemption of the outstanding Preferred Stock not exchanged requires adverse findings under section 12 (c) of the act;

(5) Whether the proposed issue of new common stock by Light is solely for the purpose of financing the business of Light as a public utility company and has been expressly authorized by the State Commission of West Virginia;

(6) Whether the consideration proposed to be paid by Potomac for the shares of common stock proposed to be issued by Light is reasonable and bears a fair relation to the sums invested in and the earning power of the utility assets underlying the common stock of Light;

(7) Whether the accounting entries to be made in connection with the proposed transactions are proper;

(8) Whether the fees, commissions or other remunerations to be paid directly or indirectly in connection with the proposed transactions are reasonable;

(9) Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the act and rules and regulations promulgated thereunder and whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of any provisions of the act or rules, regulations or orders thereunder to impose terms and conditions in connection with any of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-21834; Filed, Dec. 6, 1945; 9:55 a. m.]

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[File No. 812-393]

SAVINGS BANK INVESTMENT FUND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of December, A. D. 1945.

An application having been filed by Savings Bank Investment Fund pursuant to sections 6 (c), 18 (i), 23 (b), 23 (c) and 22 (e) of the Investment Company Act of 1940 for an order exempting it from certain provisions of sections 18 (i), 13 (a), 15 (a), 16 (a), 32 (a) (2) and (3), and 24 (d) of the act; and from certain provisions of sections 23 (b) and (c) of the act, or in the alternative, from certain provisions of sections 22 (d) and (e) of the act;

*It is ordered,* Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be held on December 14, 1945, at 9:45 a. m., Eastern Standard Time, in Room 318 of the Securities and Exchange Commission Building, at 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered,* That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Savings Bank Investment Fund and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc 45-21835; Filed, Dec. 6, 1945; 9:55 a. m.]

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## SELECTIVE SERVICE SYSTEM.

[Operations Order 63]

MISSOURI

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Claude C. Earp, State Director of Selective Service for the State of Missouri, I hereby order:

1. That the State Director of Selective Service for the State of Missouri is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 4, 5, 7, and 8 for the State of Missouri, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Missouri.

2. That the present members of Boards of Appeal numbered 1, 2, 3, 4, 5, 7, and 8 for the State of Missouri are hereby transferred to and appointed as members of the Board of Appeal for the State of Missouri, and are appointed and assigned to groups of such Board of Appeal for the State of Missouri, as shown on Exhibit A attached hereto.

LEWIS B. HERSHEY,
*Director.*

DECEMBER 5, 1945.

EXHIBIT A—MEMBERSHIP FOR BOARD OF APPEAL FOR STATE OF MISSOURI

GROUP NO. 1

Formerly members of Appeal Board No. 3:

1. W. J. Innis.
2. R. W. Hedrick.
3. D. M. Gregg.
4. Richard P. Dorris.
5. L. P. Embry.

GROUP NO. 2

Formerly members of Appeal Board No. 1, Group 1:

1. Arthur Burrowes.
2. Jack Stapleton.
3. W. A. Huebner.
4. John S. Lodwick.
5. Charles F. Bell, M. D.

GROUP NO. 3

Formerly members of Appeal Board No. 1, Group 2:

1. C. E. Still.
2. George J. England.
3. J. W. Canote.
4. Roy D. Hatcher.
5. Arthur S. Bristow.

GROUP NO. 4

Formerly members of Appeal Board No. 2, Group 1:

1. Harry L. Coffman.
2. E. B. Berkowitz.
3. Edward P. Heller, M. D.
4. Charles M. Blackmar.
5. Campbell Ward.

GROUP NO. 5

Formerly members of Appeal Board No. 2, Group 2:

1. William E. Kemp.
2. Sam E. Busler.
3. Oliver S. Gilliland.
4. John Baker.
5. Ralph C. Hook.

GROUP NO. 6

Formerly members of Appeal Board No. 4:

1. E. J. McMatt.
2. M. W. Latimer.
3. Frank Mann.
4. Mont Bentley.
5. M. O. Coombs, M. D.

GROUP NO. 7

Formerly members of Appeal Board No. 5:

1. Frank Hollingsworth.
2. W. H. Breuer.
3. Ivan E. Forshee.
4. J. N. Livingston.
5. Ben F. Geisert.

GROUP NO. 8

Formerly members of Appeal Board No. 7, Group 1:

1. I. A. Long.
2. John C. Tobin.
3. William Latal.
4. John R. Longmire.
5. James L. Mudd.

GROUP NO. 9

Formerly members of Appeal Board No. 7, Group 2:

1. William J. Gibbons.
2. R. E. Bolin.
3. F. R. Bradley.
4. William K. Gardner.
5. ———.

GROUP NO. 10

Formerly members of Appeal Board No. 7, Group 3:

1. Robert Tomsen.
2. Frank E. Williams.
3. Edwin H. Steedman.
4. E. L. Keyes.
5. Edward M. Durham, Jr.

GROUP NO. 11

Formerly members of Appeal Board No. 7, Group 4:

1. Carl L. Leathwood.
2. Clarence F. Wescoat.
3. William D. Walsh.
4. E. C. Funsch.
5. Arnold G. Stifel.

GROUP NO. 12

Formerly members of Appeal Board No. 8:

1. Sam Hunter.
2. Cal D. McCoy.
3. A. R. Rowe.
4. Clarence Powell.
5. Mack Finch.

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